

Traverse City Police Department  
TCPD Policy Manual

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**COVER**



# Traverse City Police Department

## TCPD Policy Manual

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### CHIEF'S PREFACE

It is an honor to be the Chief of Police in a dynamic community such as the City of Traverse City. I am fortunate to lead dedicated and professional police officers who share the Department's vision of being a police agency built on inclusion, integrity, fairness and understanding.

Traverse City is rapidly becoming a diverse city with a population of 15,000 people. The Traverse City Police Department was one of the leaders in implementing community policing in the 1980's and 1990's. Working closely with Michigan State University's School of Criminal Justice and Regional Community Policing Institute; the Traverse City Police Department developed community policing strategies for several decades. With the decrease of government funding for community policing we saw our community policing sector patrol reduced to two officers.

In June of 2015 the Traverse City Police Department formed a Community Policing Committee to get back to our roots. We now have Team Policing which provides four service areas twenty four seven community police services. This organizational transformation decentralizes our department by assigning several officers to the four geographic areas. Our officers have ownership with their service areas and are accountable for problem solving in their assigned areas.

A fundamental component of earning the public trust with a community policing approach includes not only transparency with the citizens of Traverse City, but also necessitates empowering them with the essential tools to form a partnership under which the safety and security of our community will continue to flourish. Such are our aspirations in the publication of this policy manual. Our great nation was founded upon principles of inalienable rights to its people, and the authority vested upon us as professional law enforcement officers, when reasonably appropriate, to take action abridging those rights necessitates acting within the framework of established jurisprudence. This framework would be incomplete without establishment of policies to provide us guidance so as to provide professional law enforcement service in a consistent and just manner to all people.

Our goal is to integrate the community policing philosophy into the culture of our police department. We establish this culture by obtaining community partnerships with our neighborhoods, businesses, and schools to maintain our quality of life and keep our community safe. Our belief is that a community that is engaged and feels heard by its police department will be more supportive of us.

In conjunction with community partnerships, organizational transformation, and problem solving, the TCPD utilizes crime mapping and other evidence based policing techniques to utilize smart policing techniques. This data driven strategy explains to our community why we shift resources and direct officers to problem areas.

The standards of conduct to which we hold ourselves responsible, as outlined herein, govern not only the aspects of our day-to-day operations, but also form the foundation of our service and accountability to the citizens of . With this full revision to our existing policy manual we continue an ongoing process of advancement and growth as a professional law enforcement agency, and re-affirm our commitment to making a city every member of this department is proud to serve. As Chief

## *Chief's Preface*

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of Police, I am honored to serve with such a group of professionals who re-commit themselves daily to serving the citizens of \_\_\_\_\_ with honor, pride and dignity. Thank you for the opportunity to serve.

Sincerely,

Jeffrey J. O'Brien

Chief of Police

# Traverse City Police Department

## TCPD Policy Manual

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### **MISSION STATEMENT**

Excellence in public service and safety through community policing.

Traverse City Police Department  
TCPD Policy Manual

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## Table of Contents

<b>Cover.</b>	<b>1</b>
<b>Chief's Preface.</b>	<b>2</b>
<b>Mission Statement.</b>	<b>4</b>
<b>Chapter 1 - Law Enforcement Role and Authority.</b>	<b>10</b>
100 - Law Enforcement Authority.	11
101 - Chief Executive Officer.	14
102 - Oath of Office.	15
103 - Policy Manual.	16
104 - Inspection and Compliance.	21
105 - Code of Ethics.	25
<b>Chapter 2 - Organization and Administration.</b>	<b>27</b>
200 - Organizational Structure and Responsibility.	28
201 - Departmental Directives.	30
202 - Emergency Operations Plan.	31
203 - Training.	33
204 - Electronic Mail.	41
205 - Administrative Communications.	42
206 - Supervision Staffing Levels.	43
207 - Retiree Concealed Firearms.	45
208 - Threats Against Public Officials.	48
209 - Guardian Tracking System.	49
210 - Accreditation Standards.	51
211 - Retiree Badges, Identification and Recognition.	52
212 - Emergency Management Plan Procedures.	55
<b>Chapter 3 - General Operations.</b>	<b>58</b>
300 - Use of Force.	59
301 - Use of Force Review Boards.	67
302 - Handcuffing and Restraints.	70
303 - Control Devices.	75
304 - Conducted Energy Device.	80
305 - Officer-Involved Shootings and Deaths.	87
306 - Firearms.	96
307 - Vehicle Pursuits.	108
308 - Foot Pursuits.	121
309 - Officer Response to Calls.	127
310 - Canines.	131
311 - Domestic Violence.	142
312 - Search and Seizure.	149
313 - Child Abuse.	154

# Traverse City Police Department

## TCPD Policy Manual

---

314 - Adult Abuse. . . . .	160
315 - Discriminatory Harassment. . . . .	165
316 - Missing Persons. . . . .	170
317 - Public Alerts. . . . .	178
318 - Victim and Witness Assistance. . . . .	182
319 - Hate Crimes. . . . .	185
320 - Standards of Conduct. . . . .	187
321 - Information Technology Use. . . . .	194
322 - Department Use of Social Media. . . . .	198
323 - Report Preparation. . . . .	201
324 - Media Relations. . . . .	205
325 - Subpoenas and Court Appearances. . . . .	211
326 - Seasonal Officers. . . . .	213
327 - Reserve Officers. . . . .	217
328 - Outside Agency Assistance. . . . .	226
329 - Registered Offender Information. . . . .	228
330 - Major Incident Notification. . . . .	231
331 - Death Investigation. . . . .	234
332 - Private Person's Arrest. . . . .	237
333 - Limited English Proficiency Services. . . . .	238
334 - Communications with Persons with Disabilities. . . . .	246
337 - Public Safety Video Surveillance System. . . . .	254
338 - Child and Dependent Adult Safety. . . . .	258
339 - Service Animals. . . . .	262
341 - Native American Graves Protection and Repatriation. . . . .	265
342 - Off-Duty Law Enforcement Actions. . . . .	267
343 - Community Relations. . . . .	269
<b>Chapter 4 - Patrol Operations. . . . .</b>	<b>274</b>
400 - Patrol. . . . .	275
401 - Bias-Based Policing. . . . .	277
402 - Roll Call. . . . .	280
403 - Crime and Disaster Scene Integrity. . . . .	282
405 - Ride-Alongs. . . . .	284
406 - Hazardous Material Response. . . . .	288
407 - Hostage and Barricade Incidents. . . . .	291
408 - Response to Bomb Calls. . . . .	295
409 - Crisis Intervention Incidents. . . . .	300
410 - Civil Commitments. . . . .	306
411 - Appearance Ticket. . . . .	309
412 - Foreign Diplomatic and Consular Representatives. . . . .	311
413 - Rapid Response and Deployment. . . . .	315
414 - Immigration Violations. . . . .	318
415 - Utility Service Emergencies. . . . .	321
416 - Aircraft Accidents. . . . .	323
417 - Field Training. . . . .	327
418 - Air Support. . . . .	330

# Traverse City Police Department

## TCPD Policy Manual

---

419 - Contacts and Temporary Detentions. . . . .	331
420 - Criminal Organizations. . . . .	335
421 - Shift Commanders. . . . .	339
422 - Mobile Audio/Video. . . . .	340
423 - Mobile Data Terminal Use. . . . .	346
424 - Portable Audio/Video Recorders. . . . .	349
425 - Public Recording of Law Enforcement Activity. . . . .	354
426 - Bicycle Patrol. . . . .	357
428 - Homeless Persons. . . . .	361
430 - Medical Aid and Response. . . . .	365
431 - First Amendment Assemblies. . . . .	371
432 - Civil Disputes. . . . .	377
433 - Suspicious Activity Reporting. . . . .	379
434 - Motorcycle Patrol. . . . .	381
435 - Substance Abuse Diversion. . . . .	386
436 - Private Security and Loss Prevention Incidents. . . . .	390
437 - Mobile Fingerprint Identification. . . . .	392
<b>Chapter 5 - Traffic Operations. . . . .</b>	<b>396</b>
500 - Traffic. . . . .	397
501 - Traffic Accident Investigation. . . . .	403
502 - Vehicle Towing. . . . .	408
503 - Operating While Intoxicated or Impaired. . . . .	412
504 - Traffic and Parking Citations. . . . .	417
505 - Disabled Vehicles. . . . .	419
506 - Traffic Direction and Control. . . . .	420
<b>Chapter 6 - Investigation Operations. . . . .</b>	<b>422</b>
600 - Investigation and Prosecution. . . . .	423
601 - Sexual Assault Investigations. . . . .	435
602 - Asset Forfeiture. . . . .	439
603 - Confidential Informants. . . . .	445
604 - Eyewitness Identification. . . . .	450
605 - Brady Information. . . . .	455
606 - Unmanned Aerial System. . . . .	458
607 - Warrant Service. . . . .	462
608 - Operations Planning and Deconfliction. . . . .	467
<b>Chapter 7 - Equipment. . . . .</b>	<b>473</b>
700 - Department-Owned and Personal Property. . . . .	474
701 - Personal Communication Devices. . . . .	477
702 - Vehicle Maintenance. . . . .	481
703 - Vehicle Use. . . . .	484
704 - Cash Handling, Security and Management. . . . .	492
705 - Personal Protective Equipment. . . . .	495
706 - Tourniquet Program. . . . .	500
707 - Thermo Scientific TruNarc Analyzer. . . . .	503

# Traverse City Police Department

## TCPD Policy Manual

---

<b>Chapter 8 - Support Services.</b>	<b>504</b>
800 - Crime Analysis.	505
801 - Radio Communications.	507
802 - Property and Evidence Section.	512
803 - Central Records Division.	526
804 - Records Maintenance and Release.	529
805 - Protected Information.	536
806 - Animal Control.	539
807 - Jeanne Clery Campus Security Act.	543
808 - Crime Scene Unit.	548
809 - Police Social Worker Coordinator.	549
810 - Quick Response Team.	555
<b>Chapter 9 - Custody.</b>	<b>561</b>
900 - Temporary Custody of Adults.	562
901 - Temporary Custody of Juveniles.	570
902 - Custodial Searches.	579
<b>Chapter 10 - Personnel.</b>	<b>584</b>
1000 - Recruitment and Selection.	585
1001 - Performance Evaluations.	590
1002 - Special Assignments and Promotions.	594
1003 - Grievances.	598
1004 - Anti-Retaliation.	601
1005 - Reporting of Arrests, Convictions and Court Orders.	604
1006 - Drug- and Alcohol-Free Workplace.	606
1007 - Short Term Leave.	609
1008 - Communicable Diseases.	612
1009 - Smoking and Tobacco Use.	617
1010 - Personnel Complaints.	618
1011 - Safety Belts.	628
1012 - Body Armor.	630
1013 - Personnel Records.	632
1014 - Request for Change of Assignment.	637
1015 - Commendations and Awards.	639
1016 - Fitness for Duty.	642
1017 - Meal Periods and Breaks.	646
1018 - Lactation Breaks.	647
1019 - Payroll Records.	649
1020 - Overtime Compensation.	650
1021 - Off-Duty and Extra-Duty Employment.	652
1022 - Work-Related Illness and Injury Reporting.	657
1023 - Personal Appearance Standards.	659
1024 - Uniforms and Civilian Attire.	663
1026 - Conflict of Interest.	670
1027 - Badges, Patches and Identification.	672
1028 - Temporary Modified-Duty Assignments.	674



# Traverse City Police Department

## TCPD Policy Manual

---

1029 - Performance History Audits - Early Intervention. . . . .	677
1030 - Speech, Expression and Social Networking. . . . .	681
1031 - Illness and Injury Prevention. . . . .	685
1032 - Line of Duty Deaths. . . . .	690
1034 - Stress Management and Response. . . . .	701
1035 - Wellness Program. . . . .	706
<b>Chapter 11 - LEIN Compliance. . . . .</b>	<b>711</b>
1100 - User Account/Access Validation. . . . .	712
1101 - Personally Owned Devices. . . . .	714
1102 - Physical Protection. . . . .	719
1103 - Media Protection. . . . .	727
1104 - Media Sanitization and Destruction. . . . .	732
1105 - Disciplinary Policy. . . . .	734
<b>Attachments. . . . .</b>	<b>737</b>
General LE retention schedule.pdf. . . . .	738
TCPD 300.2 Use of Force Report Revised 2021-0405 - Fillable.pdf. . . . .	739
GTC620 Victim Assistance_Spanish BR.pdf. . . . .	740
Backing the Badge TCPD.pdf. . . . .	741
POAM Grievance Form.pdf. . . . .	742
LEOSA Waiver Form.pdf. . . . .	743
Teamsters Grievance Form.pdf. . . . .	744
Victim Assistance Program Pamphlet.pdf. . . . .	745
mcl-764-15.pdf. . . . .	746

## **Chapter 1 - Law Enforcement Role and Authority**

# Law Enforcement Authority

## 100.1 PURPOSE AND SCOPE

### 100.2 POLICY

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

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

[Procedure: 100.1 Department Motto](#)

[Procedure: 100.2 Department Values](#)

### 100.3 PEACE OFFICER POWERS

Certified members of this department are authorized to exercise peace officer powers pursuant to applicable state law.

#### 100.3.1 ARRESTS

Arrests shall be made in accordance with the laws of the State of Michigan. Arrests should be made in the following manner:

- The member making the arrest will notify the subject of the arrest and charge(s). In the event of an arrest during the commission of a crime, the above should be followed, if at all possible; however, if the events leading to the arrest move too swiftly, the procedures should be followed as soon as possible after the arrest.

#### 100.3.2 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE TRAVERSE CITY POLICE DEPARTMENT

The arrest authority within the jurisdiction of the Traverse City Police Department includes (MCL 764.15):

- (a) In compliance with an arrest warrant.
- (b) When any misdemeanor, felony or ordinance violation is being, or has been, committed in an officer's presence.
- (c) When there is probable cause to believe that a misdemeanor punishable by imprisonment for more than 92 days or a felony was committed by the person to be arrested.
- (d) When there is probable cause to believe any misdemeanor was committed upon school property.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Law Enforcement Authority*

---

- (e) When there is probable cause to believe a person involved in an accident or stopped on a highway has violated the driving under the influence provisions listed in MCL 764.15.

#### 100.3.3 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE TRAVERSE CITY POLICE DEPARTMENT

An officer may make an arrest outside the jurisdiction of the Traverse City Police Department when an arrest is permitted and (MCL 764.2a):

- (a) The officer is working with or assisting the Michigan State Police.
- (b) The officer is working with or assisting an officer of that jurisdiction.
- (c) The officer is in continuous fresh pursuit following the observation of a law violation within the officer's jurisdiction.
- (d) In compliance with an arrest warrant.

#### 100.3.4 ARRESTS MADE WITH A WARRANT

An arrest warrant must be obtained prior to making an arrest in the following circumstances:

- (a) On reasonable cause for a misdemeanor when a suspect flees from outside a dwelling to inside a dwelling (and no forcible entry has occurred);
- (b) For a misdemeanor (less than 93 days) not committed in the officer's presence;
- (c) In order to make forcible entry for the purpose of making a felony arrest, without exigent circumstances, into a defendant's dwelling;
- (d) In order to make forcible entry for the purpose of making an arrest, without exigent circumstances, into a third party's residence.

#### 100.3.5 ARRESTS MADE WITHOUT A WARRANT

An officer may make a warrantless arrest, pursuant to MCL 764.15, for the following situations:

[See attachment: Arrest By Officer Without Warrant, Situations, Circumstances - MCL 764.15](#)

#### 100.3.6 ARRESTS BOOKING PROCEDURES

Arrestees shall be transported to the Grand Traverse Jail in order to be booked and lodged. The arresting member will complete the requisite jail booking and field arrest forms. If the arrest requires a DNA sample to be taken under the DNA Identification Profiling System Act, the arresting member will complete the requisite packet; see Policy 336 Biological Samples.

Fingerprints and photographs (mug shots) are the responsibility of Deputies of the Grand Traverse Jail.

#### 100.3.7 ALTERNATIVE TO CUSTODIAL ARREST/JAIL DIVERSION

A member may choose to issue a citation and release a subject at the scene, or choose to submit a warrant request to the appropriate prosecuting attorney's office, as opposed to making a custodial arrest. This decision should be reserved for minor offenses where the subject's identity is known and the subject does not present a flight risk. The decision to cite and release or issue

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Law Enforcement Authority*

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a warrant request can also be based upon extenuating circumstances, such as medical issues. Such circumstances should be presented to a supervisor prior to releasing the subject.

#### **100.4 INTERSTATE PEACE OFFICER POWERS**

Peace officer powers may be extended to other states:

- (a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.
- (b) When in fresh pursuit of a felony suspect into Ohio, Indiana or Wisconsin (ORC § 2935.30; I.C. § 35-33-3-1; Wis. Stat. § 976.04).
- (c) When in fresh pursuit of a person for whom the officer has probable cause to believe has committed an offense into Illinois (725 ILCS 5/107-4).

The person arrested out of state must be taken without unnecessary delay before a judge or magistrate of the county in which the arrest was made (ORC § 2935.31; I.C. § 35-33-3-2; Wis. Stat. § 976.04).

#### **100.5 CONSTITUTIONAL REQUIREMENTS**

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

## Chief Executive Officer

### 101.1 PURPOSE AND SCOPE

All law enforcement Chief Executive Officers employed within the State of Michigan are required to meet specific requirements for appointment. This policy provides guidelines for the appointment of the Chief Executive Officer of the Traverse City Police Department, who is required to exercise the powers and duties of the office as prescribed by state law.

### 101.2 POLICY

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

### 101.3 CHIEF OF POLICE REQUIREMENTS

The Chief of Police of this department, as a condition of employment, shall:

- (a) Be at least 18 years of age.
- (b) Have no felony convictions.
- (c) Possess a high school diploma or GED.
- (d) Possess a valid certificate from the Michigan Commission on Law Enforcement Standards (MCOLES).
- (e) Be appointed by the governing body of Traverse City City.
- (f) Meet the position qualifications as established by the governing body of Traverse City.

## Oath of Office

### 102.1 PURPOSE AND SCOPE

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

### 102.2 POLICY

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

### 102.3 OATH OF OFFICE

All department members, when appropriate, shall take and subscribe to the oath prescribed by law (Const 1963, art 11, § 1; MCL 15.151).

The form of the oath shall be as follows:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of \_\_\_\_\_ according to the best of my ability."

Any oath required by the Michigan Commission on Law Enforcement Standards shall also be administered and subsequently documented as set forth in MCL 28.609.

### 102.4 MAINTENANCE OF RECORDS

The oath of office shall be filed with the city clerk, or other specified clerk, as prescribed by law.

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# Policy Manual

## 103.1 PURPOSE AND SCOPE

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

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

## 103.2 POLICY

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

### 103.2.1 DISCLAIMER

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

## 103.3 WRITTEN DIRECTIVES

Recognizing that the Policy Manual is the primary source of our operating guidelines, other written directives exist independent of the Policy Manual.

Written directives consist of any written document used to guide or affect the performance or conduct of agency employees. Written directives include, but are not limited to:

- (a) Policies
- (b) Procedures
- (c) Departmental Directives
- (d) Collective Bargaining Agreements
- (e) City of Traverse City Administrative Regulations
- (f) City of Traverse City Personnel Policy Manual



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Policy Manual*

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- (g) Grand Traverse County Central Dispatch Standard Operating Procedures
- (h) Grand Traverse County Emergency Operations Plan
- (i) Training Bulletins
- (j) Attorney General/County Prosecutor/City Attorney guidelines or directives
- (k) Instructional materials

#### **103.4 AUTHORITY**

The Chief of Police shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state, and local laws. The Chief of Police or the authorized designee is authorized to issue Departmental Directives, which shall modify those provisions of the manual to which they pertain. Departmental Directives shall remain in effect until such time as they may be permanently incorporated into the manual or are no longer in effect.

#### **103.5 DEFINITIONS**

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

**Adult** - Any person 18 years of age or older.

**APS** - Adult Protective Services.

**CA/NCR** - Child Abuse and Neglect Central Registry.

**City** - The City of Traverse City.

**CPS** - Children's Protective Services.

**Civilian** - Employees and volunteers who are not certified peace officers.

**Department/TCPD** - The Traverse City Police Department.

**Employee** - Any person employed by the Department.

**FOIA** - Freedom of Information Act.

**LEIN** - Law Enforcement Information Network.

**Manual** - The Traverse City Police Department Policy Manual.

**May** - Indicates a permissive, discretionary, or conditional action.

**Member** - Any person who is appointed to or employed by the Traverse City Police Department, including:

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

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Policy Manual*

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- Volunteers

**MCOLES** - Michigan Commission on Law Enforcement Standards.

**MDHHS** - Michigan Department of Health and Human Services.

**MDOC** - Michigan Department of Corrections.

**MiCJIN** - Michigan Criminal Justice Information Network.

**MIOSHA** - Michigan Occupational Safety and Health Administration.

**MSP** - Michigan State Police.

**Officer** - Those employees, regardless of rank, who are certified peace officer employees of the Traverse City Police Department.

**On-duty** - A member's status during the period when the member is actually engaged in the performance of assigned duties.

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

**OTIS** - Offender Tracking Information System.

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

**Shall or will** - Indicates a mandatory action.

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

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

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

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

### **103.6 POLICY MANUAL FORMAT AND STRUCTURE**

This policy manual is formatted to the constraints set forth by Lexipol. Each policy shall contain, at minimum, a sequential number, title, and applicable agency content.

Policy and procedure will be organized into predetermined groups, and titled by subject topic.

Groups:

1. Law Enforcement Role and Authority

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Policy Manual*

---

2. Organization and Administration
3. General Operations
4. Patrol Operations
5. Traffic Operations
6. Investigation Operations
7. Equipment
8. Support Services
9. Custody
10. Personnel
11. LEIN Compliance

Subject topics will be appropriately titled and sequentially numbered within their assigned group.

#### **103.7 ISSUING THE POLICY MANUAL**

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

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

#### **103.8 PERIODIC REVIEW OF THE POLICY MANUAL**

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

#### **103.9 REVISIONS TO POLICIES**

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

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

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

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

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Policy Manual*

---

#### **103.10 PROCEDURE MANUAL**

In order to further clarify procedure and process the Department has created the Procedure Manual. This manual should be referenced for procedural questions and form applications.

[Procedure Manual: 103.1 PURPOSE AND SCOPE](#)

#### **103.11 WRITTEN DIRECTIVES**

The Policy Manual is the primary source for operating guidelines. Other written directives exist independent of the Policy Manual.

Written directives consist of any written document used to guide or affect the performance or conduct of department members. Written directives may include but are not limited to:

- (a) Policies.
- (b) Procedures.
- (c) Department directives.
- (d) Collective bargaining agreements.
- (e) Administrative regulations.
- (f) Employee handbook.
- (g) Emergency operations plan.
- (h) Training bulletins.
- (i) Instructional materials.

#### **103.12 PROCEDURE TO IMPLEMENT POLICY**

The Chief of Police shall establish a procedure to implement department policies, written directives, or other operational temporary orders.

The Chief of Police may disseminate the policies, written directives, or operational orders to command staff, training officers, or others who have expertise in the area for input before implementation. The Chief of Police has final approval.

#### **103.13 ARCHIVE AND STORAGE**

All written directives and previous revisions of policy manuals will be retained in accordance with the State of Michigan's General Retention and Disposal Schedule #11 - Local Law Enforcement Agencies, general orders and policies.

The Policy Manual shall remain archived in the Lexipol database that provides access to members.

## Inspection and Compliance

### 104.1 PURPOSE

This policy establishes department inspection and policy compliance requirements. It will serve as an oversight for analysis, audit, inspection, and review of the Traverse City Police Department operations and performance.

### 104.2 POLICY

It is the policy of the Traverse City Police Department that necessary analysis, audit, inspection, and review be conducted through meaningful, timely, and accurate methods and documented through administrative reports. Administrative reports are utilized to record and communicate the activity of departmental units and employees. Reports are also important to assist in the identification of trends in departmental operation, staffing, equipment, policy, procedure, and training.

### 104.3 DEFINITIONS

**Analysis** - detailed examination of the elements or structure of something.

**Audit** - an official inspection of an individual's or organization's accounts, typically by an independent body.

**Compliance** - the action of complying with a command, or the state of meeting rules or standards.

**Inspection** - look at (someone or something) closely, typically to assess their condition or to discover any shortcomings.

**Review** - a formal assessment or examination of something with the possibility or intention of instituting change if necessary.

### 104.4 COMPLIANCE OFFICER

The Chief of Police has designated the Investigative Services Division Commander as the Department Compliance Officer. The Compliance Officer's responsibilities include, but are not limited to:

- (a) Ensure that analysis, audits, inspection, and review as required by the policy, are completed in a meaningful, thorough and timely manner and distributed correctly (policy mandated administrative reports).
- (b) Ensure that a division inspection and report are completed on an annual basis (division inspections).
- (c) Ensure that the distribution and retention of these reports is in compliance with departmental policy.

### 104.5 POLICY MANDATED ADMINISTRATIVE REPORTS

The policy manual of the Traverse City Police Department mandates several audits, inspections, reviews, and reports. It is the responsibility of the Compliance Officer to keep a record of these mandates and to ensure that they are completed by the assigned personnel within the policy

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Inspection and Compliance*

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parameters. These reports are primarily completed by the command of the Department with the assistance of line and supervisory personnel. Reports are divided into two categories, those with the responsibility for completion by command, and those responsible for completion by both supervisory staff and command.

#### 104.5.1 COMMAND ADMINISTRATIVE REPORTS

- (a) These are administrative reports completed by members at the command level of the department. The Commander's report should include any contributing staff reports, a qualitative analysis of the function and should be organized through the following headings:
  - 1. Overview
  - 2. Statistical Information
  - 3. Training Recommendations
  - 4. Equipment Recommendations
  - 5. Policy and Procedure Recommendations
  - 6. Accounting of revenue and expenditures, if applicable.
- (b) The final report is entered into Guardian Tracking under the Administrative Process Section, Department Compliance Reviews Report entry with the specific policy subsection selected for review by the Chief of Police. Required reports include, but are not limited to:
  - 1. Policy Manual Review
  - 2. Departmental Directives Review
  - 3. Emergency Operations Review
  - 4. Training Plan Review
  - 5. Accreditation
  - 6. Training Report
  - 7. Use of Force Analysis Report
  - 8. Firearms and Weapons
  - 9. Vehicle Pursuit Analysis Report
  - 10. Foot Pursuit Analysis Report
  - 11. Canines
  - 12. Domestic Violence Policy Review
  - 13. Hate Crimes
  - 14. Reserve Officers
  - 15. Video Surveillance Audit
  - 16. Community Relations

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Inspection and Compliance*

---

17. Biased-Based Policing Annual Report
18. Emergency Response Team
19. Crisis Intervention Analysis Report
20. Field Training
21. AED & Opioid Overdose Medication
22. Motorcycle Patrol
23. Substance Abuse Diversion & Crime Prevention
24. Mobile Fingerprint Identification
25. Sexual Assault Case Review
26. Asset Forfeiture
27. Confidential Informants
28. Brady Information
29. Unmanned Aerial System
30. Special Investigative Fund Audit
31. Thermo Scientific TruNarc Analyzer
32. Crime Analysis
33. Property and Evidence Report
34. Property Room Audit
35. Property Room Inspection
36. Property Room Unannounced Inspection
37. Records and FOIA Report
38. CSI and Crime Lab
39. Recruitment and Selection
40. Grievance Audit
41. Personnel Complaint Audit
42. Physical Maintenance Program

#### 104.5.2 STAFF AND COMMAND ADMINISTRATIVE REPORTS

These are administrative reports completed by members at the staff and command levels of the department who act in a supervisory capacity. Each has a specific form and procedure concerning content and the process is defined under the applicable policies and procedures. The form is routed to Division Commanders for approval and then entered into Guardian Tracking under the Administrative Process Section in the applicable report for review by the Chief of Police.

- (a) Bias Base Policing Supervisor Reports

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Inspection and Compliance*

---

- (b) Performance Evaluations/Bias Base Policing Review

#### **104.6 DIVISION INSPECTIONS**

A formal division inspection shall be completed by Division Commanders in June of each year. The inspection shall be conducted in full, class B uniform for sworn personnel and in casual business attire for civilian members.

The inspection shall be of the following:

- (a) uniform and appearance
- (b) weapons and personal equipment
- (c) vehicles and vehicle equipment
- (d) workspace

Division Commanders shall complete an administrative report in the Guardian Tracking system at the completion of the inspection for review by the Chief of Police.

#### **104.7 DISTRIBUTION AND RETENTION**

Policy Mandated Administrative Compliance Reports, Compliance Officer Inspection and Qualitative Reports and Division Inspection Reports shall be entered into and maintained the Guardian Tracking System by Division Commanders for review by the Chief of Police.



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## Code of Ethics

### 105.1 PURPOSE AND SCOPE

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

### 105.2 POLICY

The Law Enforcement Code of Ethics shall be administered to all peace officer trainees during the Basic Academy course and to all other officers at the time of appointment.

The Civilian Member Code of Ethics shall be administered to all members at the time of appointment or hire.

### 105.3 LAW ENFORCEMENT CODE OF ETHICS

AS A LAW ENFORCEMENT OFFICER, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against abuse or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

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

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or abuse 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 police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

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

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession... law enforcement.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Code of Ethics*

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##### **105.3.1 OBJECTION TO RELIGIOUS AFFIRMATION**

Reference to religious affirmation in the Law Enforcement Code of Ethics may be omitted where objected to by the officer.

##### **105.4 CIVILIAN CODE OF ETHICS**

AS A CIVILIAN MEMBER, my fundamental duty is to serve the community; and to respect the constitutional rights of all to liberty, equality, and justice.

I WILL keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will be honest in thought and deed both in my personal and official life. I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I WILL never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities, or friendships to influence my decisions.

I RECOGNIZE that my position is 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 service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other employees. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice. I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence. I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession...public service.

##### **105.5 ACKNOWLEDEMENT**

The Code of Ethics is binding on all members, sworn and nonsworn. All members must acknowledge the Code of Ethics adopted by the Department.

##### **105.6 TRAINING**

The Department will provide all members with ethics training at least once every three years.

## **Chapter 2 - Organization and Administration**

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## Organizational Structure and Responsibility

### 200.1 PURPOSE AND SCOPE

This policy establishes the organizational structure of the Department and defines general responsibilities of department members.

### 200.2 POLICY

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

### 200.3 DIVISIONS

The Chief of Police is responsible for administering and managing the Traverse City Police Department. There are two divisions in the Department:

- Patrol Services Division
- Investigative Services Division

#### 200.3.1 PATROL SERVICES DIVISION

The Patrol Services Division is commanded by an assigned Captain, whose primary responsibility is to provide general management, direction and control for the Patrol Services Division. The Patrol Services Division consists of uniformed patrol and special operations, which includes social services.

#### 200.3.2 INVESTIGATIVE SERVICES DIVISION

The Investigative Services Division is commanded by an assigned Captain, whose primary responsibility is to provide general management, direction and control for the Investigative Services Division. The Investigative Services Division consists of the Detective Bureau, Property and Evidence Section, crime analysis and forensic services.

#### 200.3.3 ORGANIZATIONAL CHART

The Chief of Police or the authorized designee is responsible for developing and maintaining an organizational chart showing all organizational components, including the reserve/auxiliary officer program.

### 200.4 COMMAND PROTOCOL

The Department has an established hierarchy and organizational structure which is the basis for the succession and unity of command.

#### 200.4.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all members of the Traverse City Police Department. During planned absences, the Chief of Police will designate a Division Commander to serve as the acting Chief of Police.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### Organizational Structure and Responsibility

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

- (a) Patrol Services Division Commander
- (b) Investigative Services Division Commander
- (c) Patrol Services Division Lieutenant
- (d) On-duty Shift Commander

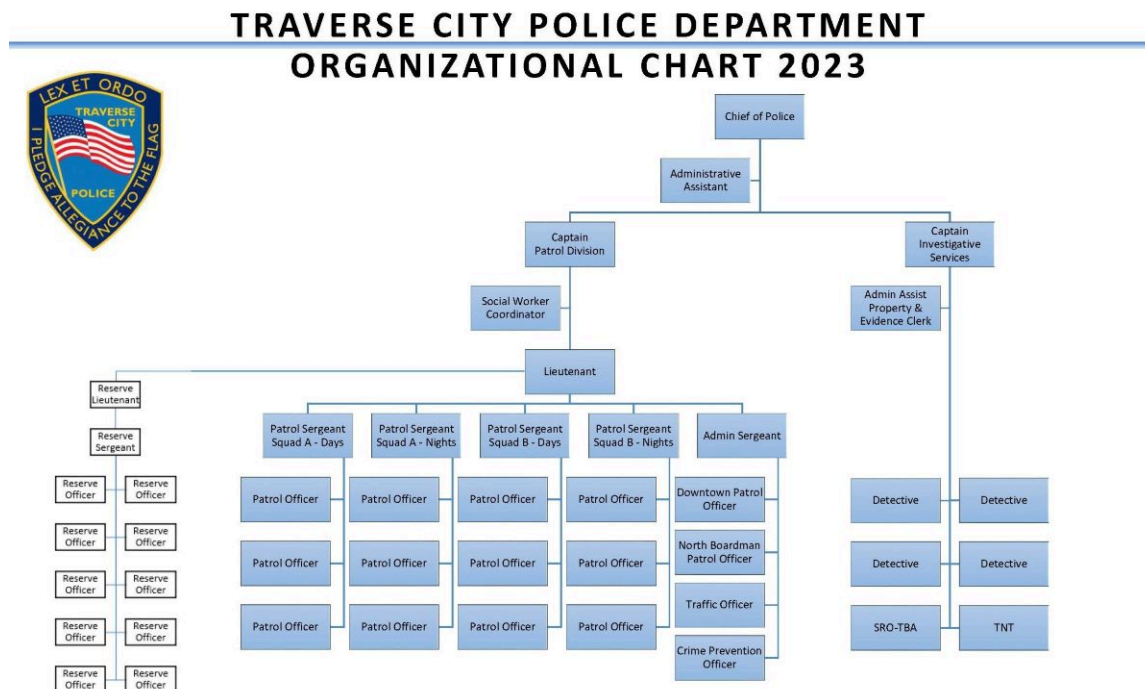
#### 200.4.2 UNITY OF COMMAND

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

#### 200.5 AUTHORITY AND RESPONSIBILITIES

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

#### 200.6 ORGANIZATIONAL CHART



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## Departmental Directives

### 201.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for issuance and cataloguing of Departmental Directives.

### 201.2 POLICY

Departmental Directives will be used to modify policies of the Traverse City Police Department when an immediate need to adapt a policy or procedure exists, in order to best meet the mission of the Department. Applicable collective bargaining agreements and other alternatives should be considered before a Departmental Directive is issued.

### 201.3 PROTOCOL

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

#### [Procedure Manual: 201.1 DEPARTMENTAL DIRECTIVES](#)

The Office of the Chief of Police or the authorized designee should ensure that all Departmental Directives are disseminated appropriately. Departmental Directives should be numbered consecutively and incorporate the year of issue. All members will be notified when a Departmental Directive is rescinded or has been formally adopted into the Policy Manual.

### 201.4 RESPONSIBILITIES

#### 201.4.1 COMMAND STAFF

Command staff shall periodically review Departmental Directives to determine whether they should be formally incorporated into the Policy Manual and, as appropriate, will recommend necessary modifications to the Chief of Police.

#### 201.4.2 CHIEF OF POLICE

Only the Chief of Police or the authorized designee may approve and issue Departmental Directives.

### 201.5 ACCEPTANCE OF DIRECTIVES

All members shall be provided access to the Departmental Directives. Each member shall acknowledge that he/she has been provided access to and has had the opportunity to review the Departmental Directives. Members shall seek clarification as needed from an appropriate supervisor for any provisions they do not fully understand.

# Emergency Operations Plan

## 202.1 PURPOSE AND SCOPE

This policy clarifies the role of the Traverse City Police Department and responsibilities of its members pertaining to large-scale emergencies and the Michigan Emergency Management Act (MCL 30.401 et seq.).

## 202.2 POLICY

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

The City Emergency Operations Plan complies with Michigan's Emergency Management Act (MCL 30.401 et seq.; Mich. Admin. Code, R 30.52). This plan provides guidance for City emergency operations within and outside its borders as may be required.

## 202.3 ACTIVATING THE EMERGENCY OPERATIONS PLAN

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

Upon activation of the plan, the Chief of Police or the authorized designee should contact the county emergency management coordinator to assist with mutual aid response from local, state and federal law enforcement agencies.

### 202.3.1 RECALL OF PERSONNEL

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

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

## 202.4 LOCATION OF THE EMERGENCY OPERATIONS PLAN

Copies of the Emergency Operations Plan are available in Office of the Chief of Police, the Shift Commander's office and Central Dispatch. All supervisors should familiarize themselves with the Emergency Operations Plan and the roles members will play when the plan is implemented. The Chief of Police should ensure that department members are familiar with the roles they will play when the plan is implemented.

## 202.5 EMERGENCY OPERATIONS PLAN REVIEW

The Chief of Police or the authorized designee shall review the Emergency Operations Plan at least once every two years and ensure that the plan conforms to any revisions made by the National Incident Management System (NIMS). The Chief of Police or the authorized designee should appropriately address any needed revisions.

# Traverse City Police Department

TCPD Policy Manual

TCPD Policy Manual

## *Emergency Operations Plan*

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### **202.6 CRITICAL INCIDENT RESPONSE PLAN**

The Traverse City Police Department shall take active steps in planning for critical incidents so as to mitigate and minimize injuries to people and property. The plan will utilize protocols from the Incident Command System (ICS), which includes NIMS. Functional areas include Command, Operations, Planning, Logistics, and Administration. A copy of the plan is maintained in the Patrol Captain 's office.

### **202.7 TRAINING**

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



## Training

### 203.1 PURPOSE AND SCOPE

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

### 203.2 POLICY

The Department shall administer a training program that will meet the standards of federal, state, local and the Michigan Commission on Law Enforcement Standards (MCOLES) training requirements. It is a priority of this department to provide continuing education and training for the professional growth and development of its members.

### 203.3 OBJECTIVES

The objectives of the training program are to:

- (a) Enhance the level of law enforcement service to the public.
- (b) Increase the technical expertise and overall effectiveness of department members.
- (c) Provide for continued professional development of department members.
- (d) Ensure compliance with MCOLES requirements.
- (e) Ensure compliance with Michigan Law Enforcement Accreditation Commission (MLEAC) requirements.

#### 203.3.1 TRAINING MANAGER

The Chief of Police has designated the Patrol Services Lieutenant as the Training Manager of the training program. The Training Manager's is responsible for developing, reviewing, updating, and maintaining the department-required training plan. The Training Manager should review the training plan annually.

#### 203.3.2 TRAINING COORDINATOR

The Training Coordinator is a civilian position within the Department and works closely with the Training Manager concerning the day to day responsibilities as specified within this policy.

### 203.4 TRAINING PLAN

It is the responsibility of the Training Manager to develop, review, update and maintain a training plan and to ensure that mandated basic, in-service and department-required training is completed by all members as needed or required. The training plan should include the anticipated costs associated with each type of training, including attendee salaries and backfill costs. The plan should include a systematic and detailed method for recording and logging of all training for all members.

While updates and revisions may be made to any portion of the training plan at any time it is deemed necessary, the Training Manager shall review the entire training plan on an annual basis.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Training*

---

The plan will include information on curriculum, training material, training facilities and scheduling. The plan will address federal, state and department-required, minimum-mandated training of officers and other members.

The Training Manager will be responsible for maintaining training records to minimally include:

- (a) The course content or lesson plan
- (b) Names of attendees
- (c) Qualifications of in-service training instructors
- (d) Qualifications and/or test results of individual attendees, if administered
- (e) Retention of records of materials such as articles, newsletters, and videos that are circulated for review

Retention of training class/course records will be in accordance with Michigan Administrative Code and applicable retention schedules.

All training, qualification and proficiency assessments must be administered and monitored by a certified weapons or tactics instructor, if applicable. All qualification and proficiency assessments will be documented.

#### 203.4.1 GOVERNMENT-MANDATED TRAINING

The following lists, while not all inclusive, identify training that is required under state and federal laws and regulations.

- (a) Federally mandated training:
  - 1. National Incident Management System (NIMS) training
- (b) State-mandated training (MCL 28.609):
  - 1. Members of the Department must successfully complete certified basic law enforcement training and successfully pass the licensing examination before being issued a law enforcement officer's license.
    - (a) The basic law enforcement training requirement may be waived if the member is eligible for licensure by meeting training and licensure standards within the parameters set by MCOLES.
    - (b) Members of the Department shall complete annual in-service training as specified by MCOLES.

#### 203.4.2 SPECIALIZED TRAINING

Specialized or advanced training will be provided as necessary based on the specific job task required.

Specialized training will be provided, as available, to include, but not limited to, the following special assignments and/or promotions:

- (a) Community Policing Officer
- (b) Accident Investigator/Reconstructionist

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Training*

---

- (c) Accreditation Manager
- (d) Bicycle Patrol Officer
- (e) Motorcycle Patrol Officer
- (f) Canine Handler
- (g) Defensive Tactics Instructor
- (h) Detective
- (i) Field Training Officer (FTO)
- (j) Firearms Instructor
- (k) TASER Instructor
- (l) Promotion to Command Status
- (m) Promotion to Sergeant Status
- (n) School Resource Officer (SRO)
- (o) Traverse Narcotics Team Officer (TNT)
- (p) Evidence Technician
- (q) Field Force Training Officer
- (r) Crime Prevention Officer
- (s) Crisis Intervention Training Officer

#### 203.4.3 TRAINING OF NEWLY PROMOTED OR SPECIALLY ASSIGNED PERSONNEL

All newly promoted and specially assigned personnel will be provided with requisite training needed to accomplish new assignments, responsibilities, and tasks. The training will be job or assignment related, and will be administered as soon as possible after the promotion or assignment date, if training was not provided previously.

#### 203.4.4 ANNUAL TRAINING REPORT

The Training Coordinator shall submit an annual report to the Chief of Police through the Training Manager. The report will detail the following information:

- (a) training activity by officer
- (b) training costs
  1. tuition and fees
  2. lodging expense
  3. travel expense
  4. per diem expense
- (c) backfill overtime expense
- (d) other details as specified by the Chief of Police

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Training*

---

##### 203.4.5 ACCREDITATION TRAINING

The following training topics are required by the Michigan Association of Chiefs of Police Accreditation Standards, and will be adhered to by this Department. The (MACP) accreditation standards requires qualification, training, or proficiency assessment to be monitored by the Training Manager and requires training on these topics for all members. Training may occur during mandatory training days, roll call training, shift meetings, training videos, webbased trainings, Daily Training Bulletins (DTBs), or any other means as determined by the Chief of Police. Other training topics mandated by this Department are contained throughout this Policy Manual. Additional and all other training topics will be determined by the Chief of Police or his/her designee.

The Training Manager is responsible for coordinating and managing required in-service training, which shall include the following:

- (a) Annual training:
  - 1. Use-of-force policy training (see the Use of Force Policy)
  - 2. Firearms qualifications, or more frequently as defined by the agency and required by MCOLES (see the Firearms Policy)
  - 3. Hazardous materials awareness
  - 4. Bias-influenced policing training (see the Bias-Based Policing Policy)
  - 5. Subject control/defensive tactics (see the Use of Force, Control Devices, and Conducted Energy Device policies)
- (b) Biennial training
  - 1. Unarmed subject control tactics
  - 2. Kinetic energy weapons (see the Control Devices and Conducted Energy Device policies)
- (c) Triennial training
  - 1. Ethics
  - 2. Mentally ill people in crisis (see the Crisis Intervention Incidents and Civil Commitments policies)
- (d) Additional training mandated by the Chief of Police or the authorized designee

##### 203.4.6 REMEDIAL TRAINING

Remedial training is directed at resolving a specific issue/deficiency, unacceptable behavior, or improving the performance of a member in a particular area within a given time period. Once it has been determined that remedial training is needed, the training should be conducted as soon as practicable. Remedial training shall be documented in the same manner as other training.

Remedial training shall be used for specific deficiencies identified in personnel performance. The need for remedial training may be recognized by supervisory personnel during the evaluation of job performance, as a result of a complaint, during an inspection, or failure to meet minimum standards in a training session

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Training*

---

Remedial training should be scheduled as soon as practical following the unsuccessful completion of a training course, or after a deficiency is detected. All remedial training will be documented in writing. Failure of the employee to correct the deficiency may result in disciplinary action.

#### 203.4.7 INSTRUCTOR QUALIFICATIONS

All in-service instructors shall attend an instructor course and possess a certificate for the topic of instruction.

#### **203.5 TRAINING COMMITTEE**

The Training Manager may establish a Training Committee, on a temporary or as-needed basis, which will assist with identifying training needs.

The Training Committee should be comprised of at least three members, with the senior ranking member of the committee acting as the chairperson. Committee members should be selected based on their abilities at post-incident evaluation and at assessing related training needs. The Training Manager may remove or replace members of the committee at his/her discretion.

The Training Committee should review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to an incident. Specific incidents the Training Committee should review include, but are not limited to:

- (a) Any incident involving the death or serious injury of a member.
- (b) Incidents involving a high risk of death, serious injury or civil liability.
- (c) Incidents identified by the Department to determine possible training needs.

The Training Committee should convene on a regular basis, as determined by the Training Manager, to review the identified incidents. The committee shall determine by consensus whether a training need exists and then submit written recommendations of its findings to the Training Manager. The recommendation should not identify specific facts of any incidents, such as identities of members involved or the date, time and location of the incident, but should focus on the type of training being recommended.

The Training Manager will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Department and the available resources. Training recommendations as determined by the Training Manager shall be submitted to the command staff for review.

#### **203.6 TRAINING ATTENDANCE**

- (a) All members assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences should be limited to:
  - 1. Court appearances.
  - 2. Previously approved vacation or time off.
  - 3. Illness or medical leave.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Training*

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4. Physical limitations preventing the member's participation.
  5. Emergency situations or department necessity.
- (b) Any member who is unable to attend training as scheduled shall notify his/her supervisor as soon as practicable but no later than one hour prior to the start of training and shall:
1. Document his/her absence in a memorandum to his/her supervisor.
  2. Make arrangements through his/her supervisor or the Training Manager to attend the required training on an alternate date.

#### **203.7 TRAINING REPORT AND CERTIFICATIONS**

- (a) Training Report
1. Members are required to complete a training report for all training to include:
    - (a) roll call
    - (b) core/baseline training
    - (c) routine specialty maintenance training to include monthly Canine, Emergency Response Team, Dive Team and any other departmental disciplines that have routine training
    - (d) quarterly firearms training to include Firearms Training System
    - (e) external specialty training
    - (f) career and employee development training such as supervisory Staff & Command and Leadership in Police Organizations
  2. The report will include the following information:
    - (a) course title, date/time, total hours, location of training, personnel name, signature and instructor name(s)
    - (b) as related to external training, the report will include:
      1. a synopsis and evaluation of the information garnered from the training
      2. a recommendation by the officer as to other members of the department attending future training in this course of instruction
      3. a recommendation by the officer concerning the course content being presented at roll call training
      4. a determination as to whether a certificate or license was issued as a result of the completion of training
- (b) Timeliness
1. officers shall create and submit the report within 7 days upon completion of training

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Training*

---

2. the report will be submitted to their immediate supervisor who will then forward it to the training manager for retention and future training consideration
  - (a) if the personnel receiving training determines the topic may be appropriate for roll call training a copy of the form will be forwarded to the Division Commander for consideration
- (c) Certifications
  1. officers shall present a legible copy of all certifications and/or licenses to their immediate supervisor in the same manner as described above within 7 days of receipt of said certificate and/or license
  2. officer may retain originals for their records

#### [Procedure Manual: 203.1 TRAINING REPORT FORM](#)

Training reports are submitted and stored in the Guardian Tracking System; also see that policy and procedure for further information.

#### **203.8 TRAINING REQUESTS**

Members may request training through their immediate supervisor. The request shall indicate the date of request, member making request, course title, training date(s), location and associated fees. A copy of the course brochure/flyer/announcement must be attached to the request. The Division Commanders will approve or deny all training requests. The Chief of Police or their designee will fiscally approve all training requests.

An explanation stating the reason the training is being requested and how it will be beneficial to employee development and the department mission will accompany the request. If the training venue that is being requested is outside of the State of Michigan the memo must include an explanation as to why and a statement verifying no similar training is available in state.

#### [Procedure Manual: 203.2 TRAINING REQUEST FORM](#)

Training requests are submitted and stored in the Guardian Tracking System; also see that policy and procedure for further information.

#### **203.9 DAILY TRAINING BULLETINS**

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

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

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Training*

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Members who are assigned to participate in the DTB program should complete each DTB at the beginning of their shifts or as otherwise directed by their supervisor. Members should not allow uncompleted DTBs to build up over time, and may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any Internet-enabled computer, members shall only take DTBs as part of their on-duty assignments, unless directed otherwise by a supervisor.

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

#### **203.10 TRAINING RECORDS**

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

##### **203.10.1 TRAINING RECORD REQUIREMENTS**

For any training class or course conducted or delivered by the Department or by an outside agency on behalf of the Department, the Training Manager shall maintain records to include:

- (a) Course content or lesson plan.
- (b) Names of persons in attendance.
- (c) Names and qualifications of training instructors.
- (d) Performance of attendees, including qualification or test results if applicable.
- (e) Retention of records of course materials (e.g., articles, newsletters, videos).
- (f) Retention of training class and/or course records in accordance with Michigan Administrative Code and the applicable retention schedule.



## Electronic Mail

### 204.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the electronic mail (email) system provided by the Department.

### 204.2 POLICY

Traverse City Police Department members shall use email in a professional manner in accordance with this policy, current law (e.g., Michigan Freedom of Information Act (FOIA); MCL 15.231 et seq.) and the City of Traverse City Personnel Policy 207P "Computer, Email, Internet Policies".

### 204.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

### 204.4 RESTRICTIONS ON USE OF EMAIL

Messages transmitted over the email system are restricted to official business activities, or shall only contain information that is essential for the accomplishment of business-related tasks or for communications that are directly related to the business, administration or practices of the Department.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the email system is prohibited and may result in discipline.

Email messages addressed to the entire Department are only to be used for official business-related items that are of particular interest to all users. In the event that a member has questions about sending a particular email communication, the member should seek prior approval from a supervisor in his/her chain of command.

It is a violation of this policy to transmit a message under another member's name or email address or to use the password of another to log into the system unless directed to do so by a supervisor. Members are required to log off the network or secure the workstation when the computer is unattended. This added security measure will minimize the potential misuse of a member's email, name or password. Any member who believes his/her password has become known to another person shall change their password immediately.

### 204.5 EMAIL RECORD MANAGEMENT

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

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

## Administrative Communications

### 205.1 PURPOSE AND SCOPE

This policy sets forth the manner in which the Department communicates significant changes to its membership, such as promotions, transfers, hiring and appointment of new members, separations, individual and group awards and commendations, or other changes in status. This policy also provides guidelines for the professional handling of electronic and non-electronic administrative communications from the Department.

### 205.2 POLICY

The Traverse City Police Department will appropriately communicate significant events within the organization to its members. Both electronic and non-electronic administrative communications will be professional in appearance and comply with the established letterhead, signature and disclaimer guidelines, as applicable.

### 205.3 MEMORANDUMS

Memorandums may be issued periodically by the Chief of Police or the authorized designee to announce and document all promotions, transfers, hiring and appointment of new members, separations, individual and group awards and commendations, or other changes in status.

### 205.4 CORRESPONDENCE

To ensure that the letterhead and name of the Department are not misused, all official external correspondence shall be on department letterhead. All department letterhead shall bear the signature element of the Chief of Police or designee. Official correspondence and use of letterhead requires approval of a supervisor. Department letterhead may not be used for personal purposes.

Official internal correspondence shall be on the appropriate department electronic or non-electronic memorandum forms.

### 205.5 SURVEYS

All surveys made in the name of the Department shall be authorized by the Chief of Police or the authorized designee.

### 205.6 OTHER COMMUNICATIONS

Departmental Directives and other communications necessary to ensure the effective operation of the Department shall be issued by the Chief of Police or the authorized designee (see the Departmental Directives Policy).

## Supervision Staffing Levels

### 206.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure that proper supervision is available to meet the needs of the Department and members throughout all Divisions.

### 206.2 POLICY

The Traverse City Police Department will ensure that proper supervision is available to meet the needs of its members and to achieve the goals of the Department. The needs of its members should be balanced with the needs of the Department for flexibility and discretion in assigning members to meet supervisory needs. While balance is desirable, the paramount concern is to meet the needs of the Department.

### 206.3 MINIMUM SUPERVISION STAFFING LEVELS

Minimum supervision staffing levels should be established by the Division Commanders for each Division and work group. The supervision staffing levels should support proper supervision, span of control, compliance with any collective bargaining agreement and activity levels to meet the needs of members and the goals of the Department.

(a) Patrol Services Division Supervision:

1. Each patrol team will have a regularly assigned Sergeant as supervisor.
2. For further policy and operational questions and clarification by the Shift Supervisor the Patrol Services Division command staff is available 24 hours a day by departmental telephone. The chain of command should be followed to the Patrol Services Division Captain when inquiring and advising. In his or her absence the Investigative Services Division Captain should be contacted. In his or her absence the Chief of Police should be contacted.

(b) Investigative Services Division:

1. One Detective Sergeant is assigned as supervisor.
2. For further policy and operational questions and clarification by the Detective Sergeant or Supervising Detective the Investigative Services Division command staff is available 24 hours a day by departmental telephone. The chain of command should be followed to the Investigative Services Division Captain when inquiring and advising. In his or her absence the Patrol Services Division Captain should be contacted. In his or her absence the Chief of Police should be contacted.

#### 206.3.1 TEMPORARY SHIFT SUPERVISORS

In order to accommodate training and other unforeseen circumstances, a qualified lower-ranking member may be assigned as a temporary supervisor in place of a regularly scheduled supervisor.

The determination as to which member of the department will act as the temporary supervisors will be determined by the following criteria in order of listing:

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Supervision Staffing Levels*

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- (a) The highest ranking officer (Sergeant or above) assigned to that shift.
- (b) The most senior Patrol Officer or Detective assigned to that shift with a minimum of three (3) years police service and seniority with the Department, or unless otherwise designated as eligible for assignment by the Chief of Police or his/her designee.
- (c) In the event no officer assigned to the shift meets this criteria the regularly scheduled shift supervisor will insure that an eligible member of the department is scheduled to act as supervisor.

#### 206.3.2 SPECIAL EVENT AND DETAIL SUPERVISION

The Department is frequently tasked with service for special events and details. Special events include festivals, parades and foot races. Details include search warrant service, sting operations, 1st amendment security, dignitary visits and other extraordinary security and enforcement operations.

Members assigned to these operations will be supervised by the highest ranking officer assigned to that event. In cases of equal rank seniority in rank will be the deciding factor.

It is the responsibility of the Operations Supervisor to notify the Shift Commander concerning staffing, event details and operations times. It is the responsibility of both Supervisors to work together to insure the safe and effective operation of the patrol function and of the event.

The highest ranking and most senior supervisor has the authority and responsibility for making the final decision if the concurrent missions should conflict.

## Retiree Concealed Firearms

### 207.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of Traverse City Police Department identification cards to qualified retired law enforcement officers under the Law Enforcement Officers' Safety Act (LEOSA) and/or Michigan state law (18 USC § 926C; MCL 28.511 et seq.).

### 207.2 POLICY

It is the policy of the Traverse City Police Department to provide to the Michigan Commission on Law Enforcement Standards (MCOLES) the authorization for the issuance of a LEOSA identification certificate to qualified retired officers of the Traverse City Police Department to facilitate the lawful carrying of concealed weapons by those individuals.

### 207.3 LEOSA

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

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

#### 207.3.1 LEOSA CARD FORMAT

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

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

#### 207.3.2 AUTHORIZATION

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

- (a) In possession of photographic identification that identifies him/her as having been employed as a peace officer, and one of the following:

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Retiree Concealed Firearms*

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

#### **207.4 MICHIGAN'S CERTIFICATION CARD**

The Chief of Police may issue an authorization letter to MCOLES authorizing the issuance of the LEOSA identification certificate on behalf of the Traverse City Police Department to carry a concealed firearm to a person who meets the qualifications as established by 18 USC § 926C (MCL 28.513).

The applicant will then submit an application to MCOLES and comply with the testing process.

Upon completion of the testing and background check, MCOLES will issue the LEOSA identification certificate.

##### **207.4.1 AUTHORIZATION**

Qualified former officers with a Michigan LEOSA identification certificate issued by MCOLES may carry as a concealed weapon within this state, any firearm inspected and approved by MCOLES. The card does not itself authorize a retiree to carry a concealed firearm outside this state. The former officer must also meet state and LEOSA requirements.

#### **207.5 FORMER OFFICER RESPONSIBILITIES**

A former officer with a card issued under this policy shall immediately notify MCOLES of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Arrests, Convictions and Court Orders Policy (MCL 28.518).

A former officer must comply with the following state requirements when holding a LEOSA identification certification from the State of Michigan:

- (a) Carry both the LEOSA identification certificate and a valid Michigan driver's license or personal identification card whenever carrying a concealed firearm.
- (b) Provide notice to any peace officer who should stop the former officer while the former officer is carrying a concealed firearm (MCL 28.518).

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Retiree Concealed Firearms*

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- (c) Not possess a concealed firearm while under the influence of a controlled substance or with a blood alcohol content of .02 or higher (MCL 28.519).

#### **207.5.1 RESPONSIBILITIES UNDER LEOSA**

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

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

See attachment: [LEOSA Waiver Form.pdf](#)

#### **207.5.2 RESPONSIBILITIES UNDER MICHIGAN LAW**

In order to maintain a LEOSA identification certificate issued under Michigan law, the retired officer shall (MCL 28.511 et seq.):

- (a) Qualify annually with the authorized firearm at a course approved by and conducted through MCOLES at the retired officer's expense.
- (b) Remain subject to all applicable department policies and federal, state and local laws.
- (c) Not engage in conduct that compromises public safety.

#### **207.6 DENIAL, SUSPENSION OR REVOCATION**

A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by MCOLES. In the event that an identification card is denied, suspended or revoked, the former officer may request a review by MCOLES. The decision of MCOLES is final.

## Threats Against Public Officials

### 208.1 PURPOSE AND SCOPE

A public official is anyone in a position of official authority that is conferred by a state, i.e. someone who holds a legislative, administrative, or judicial position of any kind, whether appointed or elected.

Threats against public officials pose a serious danger to the integrity of government. The making of a threat against a public official requires the same investigation as that of all citizens but necessitates the following additional guidelines.

### 208.2 NOTIFICATION OF DIVISION COMMANDER

The member of the department having knowledge of the threat against a public official shall as soon as practicable notify their supervisor.

All threats against elected public officials shall be passed through the chain of command to the Division Commander.

Threats not involving elected officials will be assessed by the supervisor who determine if it is necessary for the information to be passed through the chain of command to the Division Commander.

The Division Commander will notify the Chief of Police if deemed appropriate.

### 208.3 INVESTIGATION

The officer assigned to the investigation of threats against public officials shall submit a complete report of the results of the investigation to his or her superior officer. Upon the approval of this report, it shall be forwarded to the Chief of Police through the chain of command.



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# Guardian Tracking System

## 209.1 PURPOSE AND SCOPE

This policy sets forth the manner in which the Department communicates, tracks and archives specific interdepartmental administrative and operational reports, requests, orders and processes.

## 209.2 POLICY

The Traverse City Police Department will effectively communicate both up and down the chain of command in an organized, clear and specific manner. Certain activity within the department will be tracked and archived as a result of department mission; department policy; accepted best practices and standards; and local, state and federal law. It is the policy of the Department to create a workplace culture that encourages transparent communication throughout every level of the organization.

## 209.3 GUARDIAN TRACKING SYSTEM

The Guardian Tracking System is a cloud based electronic communication and database system that is customizable by the user to fit organizational needs. The documentation software allows for continuous, productive feedback. The Traverse City Police Department and its members will use this system for certain reports, requests and orders as specified in the procedural section of this directive. The system is divided into the following categories:

- (a) Administrative Process
- (b) Awards and Recognition
- (c) Community Policing Reports
- (d) Corrective Action Reports
- (e) Investigative Process
- (f) Projects and Assignments
- (g) Training Reports

The system enables the Department to efficiently archive these documents and retrieve them from a centralized database for management, oversight and reporting purposes. It also enables the users to set deadlines, notifications and make personnel assignments.

The system is a formalized communication system within the department. Subordinate assignment to an incident and/or action item shall be considered a direct order and treated as such. Superior or peer assignment to an incident or action item shall be considered a request.

## 209.4 DEPARTMENT MEMBER RESPONSIBILITIES

Each member of the department is afforded training and access to the system. It is the responsibility of each member of the department to periodically check the system for new communication and at minimum, review the system at least once during their scheduled time of work.

# Traverse City Police Department

TCPD Policy Manual

TCPD Policy Manual

## *Guardian Tracking System*

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Certain departmental policies and procedures direct Members in reporting and requesting methods that utilize the Guardian Tracking system. Those policies and procedures will direct the Member to this policy and the associated procedure for further clarification and direction.

[Procedure Manual: 209.1 PURPOSE AND SCOPE](#)

## Accreditation Standards

### 210.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the roles and responsibilities associated with compliance with Michigan Law Enforcement Accreditation Commission (MLEAC) accreditation standards.

### 210.2 POLICY

The Traverse City Police Department will meet the MLEAC accreditation standards established for Michigan law enforcement agencies.

### 210.3 ACCREDITATION MANAGER

The Chief of Police or the authorized designee should appoint a member responsible for managing the accreditation process for the Traverse City Police Department.

#### 210.3.1 ACCREDITATION MANAGER RESPONSIBILITIES

The accreditation manager or the authorized designee is responsible for:

- (a) Department compliance with all MLEAC standards.
- (b) Compiling and maintaining a list of all periodic reports, reviews, audits, inspections, and other activities mandated by applicable MLEAC accreditation standards.
- (c) Developing and maintaining a system for tracking accreditation activities.
- (d) Maintaining records of MLEAC compliance activities.
- (e) Ensuring that the required reports or other necessary actions are completed in a timely manner.

### 210.4 TRAINING

Newly assigned accreditation managers should receive accreditation manager training within one year of the assignment.

### 210.5 ANNUAL REPORT

The Chief of Police in conjunction with the accreditation manager should complete an annual report concerning the progress of the accreditation process.

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## Retiree Badges, Identification and Recognition

### 211.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance or denial of Traverse City Police Department identification cards, retirement badges and other recognitions, awards or gifts to qualified retired law enforcement officers of this Department.

### 211.2 POLICY

It is the policy of the Traverse City Police Department to provide Department identification cards and retirement badge authorization letters to qualified retired officers of the Traverse City Police Department. Additional authorizations, recognitions and/or gifts may be authorized as specified in this policy.

### 211.3 RETIRED OFFICER DETERMINATION AND ELIGIBILITY

When a department member wishes to retire from the Traverse City Police Department, the member is required to submit a formal notice to the Chief of Police to determine retirement eligibility. If the separating member is the Chief of Police, the City Manager will determine retirement eligibility.

The following criteria will be considered while determining eligibility:

- (a) Separated from service in good standing from this department as an officer.
- (b) Is eligible for deferred and/or retirement benefits as determined by the City of Traverse City Act 345 retirement system and collective bargaining agreements.
  - 1. Before separation, had regular employment as a peace officer for an aggregate of 10 years or more with this Department.
  - 2. If employed as a peace officer for less than 10 years, separated from service after completing any applicable probationary period and before 10 years due to a service-connected disability as determined by this department.
- (c) Is eligible for deferred and/or retirement benefits as determined by the Municipal Employees Retirement System (MERS).
  - 1. Before separation had regular employment as a peace officer for an aggregate of 6 years or more with this Department.
  - 2. If employed as a peace officer for less than 6 years, separated from service after completing any applicable probationary period and before 6 years due to a service-connected disability as determined by this department.

### 211.4 RETIREMENT BADGES AND PURCHASE AUTHORIZATION LETTERS

Under the following conditions, the Chief of Police may authorize the purchase of a retiree badge by qualified retiree's through a purchase authorization letter and/or may authorize the purchase by the department of a retirement badge for the retiree:

- (a) Upon written request, qualified retired law enforcement officers of this Department may receive a department authorization letter for the purposes of purchasing retirement

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Retiree Badges, Identification and Recognition*

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badges from the Chief of Police. Expense related to the purchase of the badge is the responsibility of the requesting retired officer.

1. Department members and collective bargaining units may, at their discretion, financially contribute towards the cost of retirement badge purchases by contribution directly to the retiree and/or his/her designee.
- (b) The Department may purchase retirement badges for qualified retired officers serving with the Department twenty-five (25) years or more as allowed by the City of Traverse City Administrative Code.

#### **211.5 RETIRED OFFICER IDENTIFICATION CARDS**

Qualified retirees will be issued retired officer identification cards of similar appearance to the standard department issued officer identification card. The card will clearly indicate that the member is a retired law enforcement officer of this Department. Law Enforcement Officers Safety Act credentials will be indicated on this card if they have been satisfied as specified in the Retiree Concealed Firearms policy and are subject to the terms and conditions specified therein.

#### **211.6 OTHER RETIREMENT GIFTS AND RECOGNITION**

The City of Traverse City administrative code limits the Department to \$100 concerning this budgetary item. Qualified retiree's may choose any one or any combination of the following subsections to apply this amount towards. Any expense over and above \$100 will be the responsibility of the retiree.

Members of the Department, members of the collective bargaining units, or any other interested parties may contribute to additional expense at their discretion and directly to the qualified retiree and/or his/her representative as determined by the retiree.

It shall not be the responsibility of this Department or any member of this Department to solicit donations. No member of this Department shall be compelled to accept donations for a retiree without both their consent and the consent of the retiree.

Civilian members of the Department employed over ten (10) years and separated in good standing as determined by the Division Commanders are also eligible for this benefit.

Retirees and/or the retiree's representative(s) may work in conjunction with the Chief's Administrative Assistant concerning planning and coordination of the following:

##### **211.6.1 PARTIES**

Retirees may choose to have no party, a small luncheon gathering at the Department, or a large planned event at another venue depending on their wishes as well as budgetary considerations.

##### **211.6.2 PLAQUES**

Retirees may chose to receive a department plaque recognizing their service.

##### **211.6.3 DUTY WEAPONS**

Qualified sworn retirees with twenty-five (25) or more years of service with the Department may request to purchase their duty pistol at the replacement cost to the department as determined by

# Traverse City Police Department

TCPD Policy Manual

TCPD Policy Manual

## *Retiree Badges, Identification and Recognition*

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the Chief Firearms Instructor at the time of retirement. The request shall be coordinated through the Office of the Chief of Police.

## Emergency Management Plan Procedures

### 212.1 PURPOSE AND SCOPE

This procedure provides members guidance in the operation of emergency management.

### 212.2 EMERGENCY MANAGEMENT PLAN

In accordance with the Emergency Operations Plan Policy, this plan shall supplement the policy for operations in emergency situations with the primary source being the county, state, or federal emergency operations plan enacted by the emergency operations manager.

This plan will supplement the plans of county, state, or federal agencies, and may be used for unusual occurrences or critical incidents, which may include:

- (a) Natural disasters.
- (b) Manmade disasters.
- (c) Pandemics.
- (d) Civil disturbances.
- (e) Significant criminal incidents.
- (f) Terrorist incidents.
- (g) Other large-scale events.

### 212.3 RESPONSIBILITIES

The Emergency Operations Plan contains command and control protocol for the following major functions:

- (a) Command
- (b) Operations
- (c) Planning
- (d) Logistics
- (e) Administration

#### 212.3.1 COMMAND SECTION

The Command Section shall account for the following functional areas or responsibilities:

- (a) Establishing an Incident Commander
- (b) Establishing a field command post
- (c) Determining if additional resources are required
- (d) Requesting mutual aid, when necessary, in accordance with the Outside Agency Assistance Policy

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Emergency Management Plan Procedures*

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1. If an incident exceeds the limits of this department, the County Emergency Management Agency should be notified, and additional resources coordinated through them.
  - (e) Establishing a Public Information Officer in accordance with the Media Relations Policy
  - (f) Establishing a safety officer, if required
  - (g) Establishing an official or functional liaison officer
  - (h) Ensuring the incident is documented, reviewed, and forwarded to the Chief of Police.

#### 212.3.2 OPERATIONS SECTION

The Operations Section shall coordinate the organization, assignment, and supervision of tactical field resources to include:

- (a) Establishing and supervising any staging area, when necessary.
- (b) Establishing inner and outer perimeters.
- (c) Maintaining a manageable span of control.
- (d) Managing any evacuation of the affected area, when necessary.
- (e) Traffic management.

#### 212.3.3 PLANNING SECTION

The Planning Section shall be responsible for coordinating gathering, analyzing, and disseminating information and intelligence and includes:

- (a) Managing the planning process.
- (b) Compiling the incident action plan.
- (c) Managing technical specialists.
- (d) Preparing a demobilization plan.

#### 212.3.4 LOGISTICS SECTION

The Logistics Section shall be responsible for the following:

- (a) Communications
- (b) Medical support to incident personnel
- (c) Food and water for incident personnel
- (d) Supplies
- (e) Facilities
- (f) Ground support

#### 212.3.5 ADMINISTRATION AND FINANCE SECTION

The Administration and Finance Section shall account for the following functional areas or responsibilities:



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Emergency Management Plan Procedures*

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- (a) Financial and cost summaries and/or analyses
- (b) Overseeing contract negotiations, when required
- (c) Tracking personnel and equipment time
- (d) Tracking costs of equipment and consumable supplies
- (e) Processing of claims for accidents, injuries, and liability issues

## **Chapter 3 - General Operations**

## Use of Force

### 300.1 PURPOSE AND SCOPE

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

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

#### 300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

### 300.2 POLICY

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

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

The Traverse City Police Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Use of Force*

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##### **300.2.1 DUTY TO INTERVENE AND REPORT**

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

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

##### **300.2.2 PERSPECTIVE**

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

##### **300.3 USE OF FORCE**

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

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

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

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

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

##### **300.3.1 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE**

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

- (a) Immediacy and severity of the threat to officers or others.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Use of Force*

---

- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.
- (f) The individual's ability to understand and comply with officer commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the officer.
- (l) Potential for injury to officers, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

#### 300.3.2 PAIN COMPLIANCE TECHNIQUES

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

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

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

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Use of Force*

---

##### 300.3.3 CAROTID CONTROL HOLD

A carotid control hold is a technique designed to control an individual by temporarily restricting blood flow through the application of pressure to the side of the neck and, unlike a chokehold, does not restrict the airway. The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is limited to those circumstances where deadly force is authorized and is subject to the following:

- (a) At all times during the application of the carotid control hold, the response of the individual should be monitored. The carotid control hold should be discontinued when circumstances indicate that the application no longer reasonably appears necessary.
- (b) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until such examination occurs.
- (c) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the individual lost consciousness as a result.
- (d) Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.
- (e) The use or attempted use of the carotid control hold shall be thoroughly documented by the officer in any related reports.

The use of the carotid control hold shall not be used without explicit training as provided and documented by the Traverse City Police Department.

##### 300.3.4 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Traverse City Police Department for this specific purpose.

##### 300.3.5 ALTERNATIVE TACTICS - DE-ESCALATION

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

##### 300.3.6 RESPIRATORY RESTRAINT

The use of a respiratory restraint, otherwise known as a chokehold, is prohibited by the Traverse City Police Department.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Use of Force*

---

#### **300.4 DEADLY FORCE APPLICATIONS**

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

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

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

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

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

##### **300.4.1 MOVING VEHICLES**

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective.

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

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

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

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Use of Force*

---

### **300.5 REPORTING THE USE OF FORCE**

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law. See the Report Preparation Policy for additional circumstances that may require documentation.

Specifically, the department requires the completion of the Use of Force report form.

#### [Procedure Manual: 300.2 USE OF FORCE REPORT FORM](#)

#### **300.5.1 NOTIFICATIONS TO SUPERVISORS**

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

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

### **300.6 MEDICAL CONSIDERATIONS**

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

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



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Use of Force*

---

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

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

See the Medical Aid and Response Policy for additional guidelines.

#### **300.7 SUPERVISOR RESPONSIBILITIES**

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

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:
  1. The content of the interview should not be summarized or included in any related criminal charges.
  2. The fact that a recorded interview was conducted should be documented in a property or other report.
  3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
  1. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the individual may pursue civil litigation.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Use of Force*

---

1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

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

#### **300.7.1 SHIFT COMMANDER RESPONSIBILITY**

The Shift Commander shall conduct a documented meaningful review of each use of force by any personnel within their command to ensure compliance with this policy and to address any training issues.

#### **300.8 TRAINING**

Officers will minimally receive annual training on use of force, including this policy, and demonstrate their knowledge and understanding.

Subject to available resources, officers should receive periodic training on:

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
- (b) De-escalation tactics, including alternatives to force.

#### **300.8.1 ADDITIONAL IN-SERVICE TRAINING**

Officers shall minimally receive semiannual in-service training on unarmed subject control tactics.

#### **300.9 USE OF FORCE ANALYSIS**

At least annually, the Patrol Services Division Commander should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

#### **300.10 NATIONAL USE-OF-FORCE DATA COLLECTION**

The Chief of Police or the authorized designee is responsible for compiling and submitting use of force incident information as required by the Department of Justice (DOJ)/FBI National Use-of-Force Data Collection program.

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## Use of Force Review Boards

### 301.1 PURPOSE AND SCOPE

This policy establishes a process for the Traverse City Police Department to review the use of force by its members.

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

### 301.2 POLICY

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

### 301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

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

### 301.4 REVIEW BOARD

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

The Use of Force Review Board will also investigate and review the circumstances surrounding every discharge of a firearm, whether the member was on or off duty, excluding training, the approved dispatch of a fatally injured animal or recreational use.

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

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

#### 301.4.1 COMPOSITION OF THE BOARD

The Use of Force Review Board will consist of the following four individuals:

- Investigative Services Captain
- Patrol Division Captain
- Lieutenant

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Use of Force Review Boards*

---

- Chief Firearms Instructor

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

#### 301.4.2 RESPONSIBILITIES OF THE BOARD

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

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

The board does not have the authority to recommend discipline.

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

Absent an express waiver from the involved member, no more than two designated board members may ask questions of the involved member. Other board members may provide questions to the designated board members.

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

Any questioning of the involved member conducted by the board will be in accordance with Traverse City Police Department disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law.

The board shall make one of the following recommended findings:

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

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

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

# Traverse City Police Department

TCPD Policy Manual

TCPD Policy Manual

## *Use of Force Review Boards*

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member's Division Commander for review and appropriate action. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.

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

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# Handcuffing and Restraints

## 302.1 PURPOSE AND SCOPE

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

## 302.2 POLICY

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

## 302.3 USE OF RESTRAINTS

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

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

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

### [Procedure Manual: 302.1 APPROVED RESTRAINT DEVICES](#)

#### 302.3.1 RESTRAINT OF DETAINEES

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

#### 302.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg irons, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure self or others, or damage property.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Handcuffing and Restraints*

---

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, officers, or others.

#### **302.3.3 RESTRAINT OF JUVENILES**

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

#### **302.3.4 NOTIFICATIONS**

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

#### **302.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS**

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

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

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

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

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

#### **302.5 APPLICATION OF SPIT HOODS**

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

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

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers should provide

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Handcuffing and Restraints*

---

assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. Officers should avoid commingling those wearing spit hoods with other detainees.

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

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

#### **302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES**

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

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

#### **302.7 APPLICATION OF LEG RESTRAINT DEVICES**

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

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

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

##### **302.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS**

When applying leg restraints, the following guidelines should be followed:

- (a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Handcuffing and Restraints*

---

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

#### **302.8 REQUIRED DOCUMENTATION**

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

If a person is arrested, the use of handcuffs or other restraints shall be documented in the related report.

Officers should document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person:

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

#### **302.9 TRAINING**

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

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.
- (b) Response to complaints of pain by restrained persons.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Handcuffing and Restraints*

---

- (c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.
- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

## Control Devices

### 303.1 PURPOSE AND SCOPE

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

### 303.2 POLICY

In order to control individuals who are violent or who demonstrate the intent to be violent, the Traverse City Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy. The Chief of Police may also authorize other positions or individual department members to use specific control devices.

### 303.3 ISSUING, CARRYING AND USING CONTROL DEVICES

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

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

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

[Procedure Manual: 303.1 APPROVED CONTROL DEVICES](#)

### 303.4 RESPONSIBILITIES

#### 303.4.1 SHIFT COMMANDER RESPONSIBILITIES

The Shift Commander may authorize the use of a control device by selected department members who may not currently be issued or carrying the control device or those in specialized assignments who have successfully completed the required training.

#### 303.4.2 CHIEF FIREARMS INSTRUCTOR RESPONSIBILITIES

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

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

#### 303.4.3 USER RESPONSIBILITIES

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

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Control Devices*

---

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Chief Firearms Instructor for disposition. Documentation shall also be forwarded through the chain of command, when appropriate, explaining the cause of damage.

#### **303.5 BATON GUIDELINES**

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

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

#### **303.6 TEAR GAS GUIDELINES**

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

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

#### **303.7 OLEORESIN CAPSICUM (OC) GUIDELINES**

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

##### **303.7.1 OC SPRAY**

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

##### **303.7.2 PEPPER PROJECTILE SYSTEMS**

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Control Devices*

---

not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

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

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

#### **303.7.3 TREATMENT FOR OC EXPOSURE**

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

#### **303.8 POST-APPLICATION NOTICE**

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

#### **303.9 KINETIC ENERGY PROJECTILE GUIDELINES**

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

##### **303.9.1 DEPLOYMENT AND USE**

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

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

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

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Control Devices*

---

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

#### 303.9.2 DEPLOYMENT CONSIDERATIONS

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

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

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

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

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

#### 303.9.3 SAFETY PROCEDURES

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

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

When they are not deployed, shotguns will be unloaded and properly and securely stored in police department vehicles. When deploying a kinetic energy projectile shotgun, officers shall visually

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Control Devices*

---

inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

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

#### **303.10 TRAINING FOR CONTROL DEVICES**

The Training Manager shall ensure that those members who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

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

#### **303.11 REPORTING USE OF CONTROL DEVICES**

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

## Conducted Energy Device

### 304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the TASER (TM).

### 304.2 POLICY

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

### 304.3 ISSUANCE AND CARRYING TASER DEVICES

Only members who have successfully completed department-approved training may be issued and may carry the TASER device (MCL 750.224a).

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

Officers shall only use the TASER device and cartridges that have been issued by the Department. Uniformed officers who have been issued the TASER device shall wear the device in an approved holster. Non-uniformed officers may secure the TASER device in the driver's compartment of their vehicles.

Members carrying the TASER device should perform a spark test prior to every shift.

Officers who carry the TASER device while in uniform shall carry it in a weak-side holster on the side opposite the duty weapon.

- (a) All TASER devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the TASER device.
- (c) Officers shall be responsible for ensuring that the issued TASER device is properly maintained and in good working order.
- (d) Officers should not hold a firearm and the TASER device at the same time.

### 304.4 VERBAL AND VISUAL WARNINGS

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

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

If, after a verbal warning, an individual fails to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Conducted Energy Device*

---

required to, display the electrical arc (provided that a cartridge has not been loaded into the device) or the laser in a further attempt to gain compliance prior to the application of the TASER device. The aiming laser should not be intentionally directed into anyone's eyes.

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

#### **304.5 USE OF THE TASER DEVICE**

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

##### **304.5.1 APPLICATION OF THE TASER DEVICE**

The TASER device may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person (MCL 750.224a):

- (a) The subject is violent or is physically resisting.
- (b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself or others.

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

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

##### **304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS**

The use of the TASER device on certain individuals should be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Conducted Energy Device*

---

- (f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Because the application of the TASER device in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

#### 304.5.3 TARGETING CONSIDERATIONS

The preferred targeting areas include the individual's back or front lower-center mass. The head, neck, chest and groin should be avoided when reasonably practicable. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the TASER device probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

#### 304.5.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE

Officers should apply the TASER device for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Officers should not intentionally apply more than one TASER device at a time against a single individual.

If the first application of the TASER device appears to be ineffective in gaining control of an individual, the officer should evaluate the situation and consider certain factors before additional applications of the TASER device, including:

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

#### 304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual to minimize the need for longer or multiple exposures to the TASER device. As soon as practicable, officers shall notify a supervisor any time the TASER device has been discharged. Confetti tags should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Conducted Energy Device*

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##### 304.5.6 DANGEROUS ANIMALS

The TASER device may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

##### 304.5.7 TASER® CAM™

The TASER CAM is activated any time the safety is in the off position. The safety should be in the safe position unless the officer intends to use the device. Because the TASER CAM memory is limited, the video and audio data should be downloaded frequently and retained in accordance with the established records retention schedule.

##### 304.5.8 OFF-DUTY CONSIDERATIONS

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

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

#### **304.6 DOCUMENTATION**

Officers shall document all TASER device discharges in the related arrest/crime reports and the TASER device report forms. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device, other than for testing purposes, will also be documented on the report form.

##### 304.6.1 TASER DEVICE REPORT FORM

Items that shall be included in the TASER device report form are:

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

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Conducted Energy Device*

---

The Training Manager should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Manager should also conduct audits of data downloads and reconcile TASER device report forms with recorded activations. TASER device information and statistics, with identifying information removed, should periodically be made available to the public.

#### **304.6.2 REPORTS**

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

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

#### **304.7 MEDICAL TREATMENT**

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

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

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

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Conducted Energy Device*

---

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

#### **304.8 SUPERVISOR RESPONSIBILITIES**

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

A supervisor should review each incident where a person has been exposed to an activation of the TASER device. The device's onboard memory should be downloaded through the data port by a supervisor or Chief Firearms Instructor and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

#### **304.9 TRAINING**

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

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

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

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

The Training Manager is responsible for ensuring that all members who carry TASER devices have received initial and annual proficiency training. Periodic audits should be used for verification.

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

The Training Manager should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Conducted Energy Device*

---

- (e) Handcuffing a subject during the application of the TASER device and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the TASER device.

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## Officer-Involved Shootings and Deaths

### 305.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of another action of an officer. This policy is closely related to, and formulated to work in conjunction with, the Stress Management and Response policy.

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

### 305.2 POLICY

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

### 305.3 TYPES OF INVESTIGATIONS

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

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

### 305.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer.

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

#### 305.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Traverse City Police Department would control the investigation if the suspect's crime occurred in Traverse City.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police and with concurrence from the other agency.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Officer-Involved Shootings and Deaths*

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##### **305.4.2 CRIMINAL INVESTIGATIONS OF OFFICER ACTIONS**

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When an officer from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

Requests made of this department to investigate a shooting or death involving an outside agency's officer shall be referred to the Chief of Police or the authorized designee for approval.

##### **305.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION**

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

#### **305.5 INVESTIGATION PROCESS**

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

##### **305.5.1 UNINVOLVED OFFICER RESPONSIBILITIES**

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

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

##### **305.5.2 SUPERVISOR RESPONSIBILITIES**

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

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
  1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
- (b) If necessary, the supervisor may administratively order any TCPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
  1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Officer-Involved Shootings and Deaths*

---

scene, identity of known or potential witnesses and any other pertinent information.

2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to the Shift Commander and Central Dispatch. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional TCPD members until properly relieved by another supervisor or other assigned personnel or investigator.
- (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
1. Each involved TCPD officer should be given an administrative order not to discuss the incident with other involved officers or TCPD members pending further direction from a supervisor.
  2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

#### 305.5.3 SHIFT COMMANDER RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Shift Commander shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Chief of Police or a Division Commander.

All outside inquiries about the incident shall be directed to the Shift Commander.

#### 305.5.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Investigative Services Division Commander
- Officer-Involved Shooting rollout team
- Outside agency investigators (if appropriate)
- Investigative Services Division supervisor
- Civil liability response team
- Psychological/peer support personnel
- Chaplain
- Medical Examiner (if necessary)
- Involved officer's agency representative (if requested)

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Officer-Involved Shootings and Deaths*

---

- Public Information Officer

#### **305.5.5 INVOLVED OFFICERS**

The following shall be considered for the involved officer:

- (a) Any request for legal or union representation will be accommodated.
  1. Involved TCPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
  2. Requests from involved non-TCPD officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) A licensed psychotherapist shall be provided by the Department to each involved TCPD officer. A licensed psychotherapist may also be provided to any other affected TCPD members, upon request.
  1. Interviews with a licensed psychotherapist will be considered privileged.
  2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, the involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
  3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (d) Communications between the involved officer and a peer support member or a critical incident stress management team member are addressed in the Wellness Program Policy.

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

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

#### **305.6 CRIMINAL INVESTIGATION**

The Prosecuting Attorney's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting involving injury or death.

If available, investigative personnel from this department may be assigned to partner with investigators from outside agencies or the Prosecuting Attorney's Office to avoid duplicating efforts in related criminal investigations.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Officer-Involved Shootings and Deaths*

---

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

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

#### 305.6.1 REPORTS BY INVOLVED TCPD OFFICERS

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

While the involved TCPD officer may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

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

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

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Officer-Involved Shootings and Deaths*

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##### **305.6.2 WITNESS IDENTIFICATION AND INTERVIEWS**

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

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

##### **305.6.3 INVESTIGATIVE PERSONNEL**

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

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated Detective Bureau supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Division Commander.

##### **305.7 ADMINISTRATIVE INVESTIGATION**

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of involved TCPD officers to determine conformance with department policy. This investigation will be conducted under the

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Officer-Involved Shootings and Deaths*

---

supervision of the Investigative Services Division and will be considered a confidential officer personnel file.

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

- (a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
  - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
  - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
  - 2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative collectively or in groups prior to being interviewed.
  - 3. Administrative interviews should be recorded by the investigator. The officer may also record the interview.
  - 4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her Garrity rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally (MCL 15.393).
  - 5. The Investigative Services Division shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Officer-Involved Shootings and Deaths*

---

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

#### **305.8 CIVIL LIABILITY RESPONSE**

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

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

#### **305.9 AUDIO AND VIDEO RECORDINGS**

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

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

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

#### **305.10 DEBRIEFING**

Following an officer-involved shooting or death, the Traverse City Police Department should conduct both a Critical Incident Stress Debriefing and a tactical debriefing. See the Wellness Program Policy for guidance on Critical Incident Stress Debriefings.

##### **305.10.1 TACTICAL DEBRIEFING**

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

##### **305.10.2 CRITICAL INCIDENT STRESS DEBRIEFING**

The CISD is further defined under the Stress Management and Response policy and the Wellness Program policy.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Officer-Involved Shootings and Deaths*

---

##### **305.11 MEDIA RELATIONS**

Any media release shall be prepared with input and concurrence from the supervisor and the department representative responsible for each phase of the investigation. Releases will be available to the Shift Commander, Investigative Services Division Commander and Public Information Officer in the event of inquiries from the media.

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

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

## Firearms

### 306.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of a firearm that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

### 306.2 POLICY

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

### 306.3 AUTHORIZATION AND RESTRICTION OF PERSONNEL

Sworn, regularly employed officers of the Traverse City Police Department are authorized under the State of Michigan Firearms Act 372 of 1927 and other applicable Local, State and Federal law to carry, possess and transport firearms.

Michigan Compiled Law:

MCL 28.422 License to purchase, carry, possess, or transport pistol;

Sec. 2 (1) Except as otherwise provided in this act, a person shall not purchase, carry, possess, or transport a pistol in this state without first having obtained a license for the pistol as prescribed in this section.

MCL 28.432a Exceptions

Sec. 12a The requirements of this act for obtaining a license to carry a concealed pistol do not apply to any of the following:

a. A peace officer of a duly authorized police agency of the United States or of this state or a political subdivision of this state, who is regularly employed and paid by the United States or this state or a subdivision of this state, except a township constable.

#### 306.3.1 ON DUTY CARRY AUTHORIZATION

Sworn, regularly employed full time, part time and seasonal officers are authorized by the Department to carry, possess and transport firearms while on duty as specified within this policy and manual.



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Firearms*

---

#### **306.3.2 OFF DUTY CARRY AUTHORIZATION AND RESTRICTIONS**

Sworn officers are authorized by the Department to carry, possess and transport firearms off duty as specified within this policy with the following restrictions:

- (a) Probationary full time officers must complete step IV (shadow period) of the Field Training Program and be currently assigned to step V (solo patrol)
- (b) Part time officers and seasonal officers
  - (a) Must complete the applicable department field training and evaluation program
  - (b) May carry off duty at the discretion and approval of the Chief of Police upon recommendation from their Division Commander

#### **306.3.3 RESERVE OFFICER AUTHORIZATION AND RESTRICTIONS**

Reserve officers are required to comply with the following standards and restrictions concerning the carrying, possession and transport of firearms while volunteering for the Department:

- (a) Reserve officers will not be considered for on duty carry until successful completion of issuance of a Michigan pistol license as specified in the State of Michigan Firearms Act 372 of 1927.
- (b) Reserve officers will not be considered for on duty carry until a verified Michigan Pistol license has been presented to the Chief of Police or the authorized designee.
- (c) Reserve officers are prohibited from carrying firearms or defense devices except with the permission of the Chief of Police or the authorized designee.
- (d) Should permission to carry firearms or defense devices be granted, reserve officers must complete the same course of training and abide by the same standards and policies as required of police officers in compliance with this policy.
- (e) Reserve officers are not authorized under the authority of this department to carry off duty.

#### **306.3.4 NO AUTHORIZATION**

The following individuals associated with the department are not authorized under departmental authority to carry weapons at any time:

- (a) civilian members
- (b) volunteers other than reserve officers
- (c) interns
- (d) separated employees
- (e) retirees; see policy Retiree Concealed Firearms for clarification
- (f) any other member or associate of the department unless specifically granted authority within this policy

#### **306.4 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS**

Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Chief Firearms Instructor. Except in an emergency or as directed by

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### Firearms

---

a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized department range.

All other weapons not provided by the Department, including, but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by members in the performance of their official duties without the express written authorization of the member's Division Commander. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

#### 306.4.1 HANDGUNS

The authorized department-issued handgun is the Glock Model 22 .40. The following additional handguns are approved for on-duty use:

MAKE	MODEL	CALIBER
Glock	23	.40

#### 306.4.2 SHOTGUNS

The Department does not issue shotguns for routine patrol. The following shotguns are available for use during special circumstances upon approval of the Division Commander.

MAKE	MODEL	CALIBER
Remington	870	12 gauge

When not deployed, the shotgun shall be properly secured in the rear compartment of the patrol vehicle with the magazine loaded, the action closed on an empty chamber, the trigger pulled to release the hammer and the safety in the safe position.

#### 306.4.3 PATROL RIFLES

The authorized department-issued patrol rifle is the Colt AR-15 .223. The following additional patrol rifles are approved for on-duty use:

MAKE	MODEL	CALIBER
Colt	M-16 A1	.223 (556 mm)
Colt	M-16 A2	.223 (556 mm)

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

- (a) Situations where the member reasonably anticipates an armed encounter.
- (b) When a member is faced with a situation that may require accurate and effective fire at long range.
- (c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Firearms*

---

- (d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- (e) When a member reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured in the rear compartment of the patrol vehicle with the chamber empty, magazine loaded and inserted into the magazine well, the bolt forward with the dust cover closed, and the selector lever in the safe position.

#### 306.4.4 PERSONALLY OWNED DUTY FIREARMS

Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the Chief of Police or the authorized designee. Once approved, personally owned duty firearms are subject to the following restrictions:

- (a) The firearm shall be in good working order and on the department list of approved firearms.
- (b) The firearm shall be inspected by the Chief Firearms Instructor prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Chief Firearms Instructor, who will maintain a list of the information.

#### 306.4.5 AUTHORIZED SECONDARY HANDGUN

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

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

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### Firearms

---

- (g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.
- (h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Chief Firearms Instructor, who will maintain a list of the information.

#### Procedure Manual: 306.1 APPROVED OFF DUTY AND SECONDARY WEAPONS

##### 306.4.6 AUTHORIZED OFF-DUTY FIREARMS

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

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

#### Procedure Manual: 306.1 APPROVED OFF DUTY AND SECONDARY WEAPONS

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Firearms*

---

##### **306.4.7 AMMUNITION**

Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Chief Firearms Instructor when needed, in accordance with established policy.

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

[Procedure Manual: 306.2 APPROVED AMMUNITION](#)

##### **306.5 EQUIPMENT**

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

###### **306.5.1 REPAIRS OR MODIFICATIONS**

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

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

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

###### **306.5.2 HOLSTERS**

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

###### **306.5.3 TACTICAL LIGHTS - WEAPON MOUNTED LIGHTS**

Only Department issued tactical lights are authorized for use on department issued weapons. Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Chief Firearms Instructor. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it. Weapon mounted lights may only be used when justification exists for use of the firearm it is affixed to. The weapon mounted light may not be removed and used as a standard flashlight.

###### **306.5.4 OPTICS OR LASER SIGHTS**

Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Chief Firearms Instructor. Any approved sight shall only

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Firearms*

---

be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

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

#### **306.6 SAFE HANDLING, INSPECTION AND STORAGE**

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

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

##### **306.6.1 INSPECTION AND STORAGE**

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

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Firearms*

---

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

#### 306.6.2 STORAGE AT HOME

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

#### 306.6.3 ALCOHOL AND DRUGS

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

#### **306.7 FIREARMS TRAINING AND QUALIFICATIONS**

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

All members who carry a firearm while on-duty are required to successfully meet the Michigan Commission on Law Enforcement Standards, Active Duty Firearms standard annually. This qualification may substitute for one quarterly training and the annual qualification (Mich. Admin. Code, R 28.14210).

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

#### 306.7.1 NON-CERTIFICATION OR NON-QUALIFICATION

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

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

- (a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.
- (b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### Firearms

---

- (c) No range credit will be given for:
  - 1. Unauthorized range make-up.
  - 2. Failure to meet minimum standards or qualify after remedial training.

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

#### **306.8 FIREARM DISCHARGE**

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

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

- (a) If on-duty at the time of the incident, the member shall file a written report with his/her Division Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
  - 1. If the discharge is intentional it shall be documented in a police report.
  - 2. If the discharge is accidental it shall be documented in an administrative report.
- (b) If off-duty at the time of the incident, the member shall file a written report or provide a recorded statement no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.
  - 1. If either intentional or accidental it shall be documented in an administrative report.

##### **306.8.1 DESTRUCTION OF ANIMALS**

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

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

##### **306.8.2 INJURED ANIMALS**

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



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Firearms*

---

##### 306.8.3 WARNING SHOTS

Warning shots are prohibited and may not be discharged.

##### **306.9 CHIEF FIREARMS INSTRUCTOR DUTIES**

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

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

The Chief Firearms Instructor has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this department to verify proper operation. The Chief Firearms Instructor has the authority to deem any department-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm; it will not be returned to service until it has been inspected and approved by the Chief Firearms Instructor.

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

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

##### **306.10 FLYING WHILE ARMED**

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

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.
- (b) Officers must carry their Traverse City Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver's license, passport).

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### Firearms

---

- (c) The Traverse City Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Traverse City Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.
- (f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Officers should try to resolve any problems through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

#### **306.11 CARRYING FIREARMS OUT OF STATE**

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

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

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

# Traverse City Police Department

TCPD Policy Manual

TCPD Policy Manual

## *Firearms*

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

### **306.12 ANNUAL REPORT**

The Patrol Division Commander in conjunction with the Chief Firearms Instructor should complete an annual report to the Chief of Police concerning the progress and status of the Firearms program.

## Vehicle Pursuits

### 307.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved officers, the public and fleeing suspects.

#### 307.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

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

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

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

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

### 307.2 POLICY

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

### 307.3 OFFICER RESPONSIBILITIES

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

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Vehicle Pursuits*

---

Officers shall drive with due regard for the safety of all persons and property. However, officers may, when in pursuit of a suspect and provided there is no unreasonable risk to persons and property (MCL 257.603):

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

#### 307.3.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect, who has been given an appropriate signal to stop by a law enforcement officer, is attempting to evade arrest or detention by fleeing in a vehicle.

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

- (a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.
- (c) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.
- (d) The pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between the pursuing vehicles and dispatcher/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (e) Whether weather, traffic and road conditions unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.
- (f) Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (g) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.
- (h) Emergency lighting and siren limitations on unmarked police department vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment and concealed or obstructed siren positioning.
- (i) Vehicle speeds.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Vehicle Pursuits*

---

- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (k) The availability of other resources, such as air support assistance.
- (l) Whether the pursuing vehicle is carrying passengers other than on-duty police officers. Pursuits should not be undertaken with an arrestee in the pursuit vehicle unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the arrestee in transport. A vehicle containing more than a single arrestee should not be involved in a pursuit.

#### 307.3.2 WHEN TO TERMINATE A PURSUIT

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

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

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

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

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

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Vehicle Pursuits*

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### **307.4 PURSUIT VEHICLES**

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

Vehicle pursuits should be limited to three police department emergency vehicles (two pursuit vehicles and the supervisor vehicle). However, the number of vehicles involved will vary with the circumstances.

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

#### **307.4.1 MOTORCYCLES**

When involved in a pursuit, police department motorcycles should be replaced by marked emergency vehicles as soon as practicable.

#### **307.4.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT**

Officers operating vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in any pursuit. Officers in such vehicles may provide support to pursuing vehicles as long as the vehicle is operated in compliance with all traffic laws. Those officers should discontinue such support immediately upon arrival of a sufficient number of authorized emergency police department vehicles or any air support.

#### **307.4.3 PRIMARY PURSUIT VEHICLE RESPONSIBILITIES**

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

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

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

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Vehicle Pursuits*

---

- (h) The identity of other law enforcement agencies involved in the pursuit.

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

#### **307.4.4 SECONDARY PURSUIT VEHICLE RESPONSIBILITIES**

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

- (a) Immediately notifying the dispatcher of his/her entry into the pursuit.
- (b) Remaining a safe distance behind the primary pursuit vehicle unless directed to assume the role of primary pursuit vehicle or if the primary pursuit vehicle is unable to continue the pursuit.
- (c) Broadcasting information that the primary pursuing officer is unable to provide.
- (d) Broadcasting the progress of the pursuit, updating known or critical information and providing changes in the pursuit, unless the situation indicates otherwise.
- (e) Identifying the need for additional resources or equipment as appropriate.
- (f) Serving as backup to the primary pursuing officer once the suspect has been stopped.

#### **307.5 PURSUIT DRIVING**

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

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to unusual maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:
  1. Available officers not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
  2. Pursuing officers should exercise due caution and slow down as may be necessary when proceeding through controlled intersections.
- (c) As a general rule, officers should not pursue a vehicle driving the wrong direction on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered:



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Vehicle Pursuits*

---

1. Request assistance from available air support.
  2. Maintain visual contact with the pursued vehicle by paralleling the vehicle while driving on the correct side of the roadway.
  3. Request other officers to observe exits available to the suspect.
- (d) Notify the Michigan State Police (MSP) or other law enforcement agency if it appears that the pursuit may enter its jurisdiction.
- (e) Officers involved in a pursuit should not attempt to pass other pursuing vehicles unless the situation indicates otherwise or they are requested to do so by the pursuing officer and with a clear understanding of the maneuver process between the involved officers.

#### 307.5.1 PURSUIT TRAILING

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

#### 307.5.2 AIR SUPPORT ASSISTANCE

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

The air support crew should coordinate the activities of resources on the ground, report progress of the pursuit, and provide officers and supervisors with details of upcoming traffic congestion, road hazards or other pertinent information to evaluate whether to continue the pursuit. If officers on the ground are not within visual contact of the pursued vehicle and the air support crew determines that it is unsafe to continue the pursuit, the air support crew should recommend terminating the pursuit.

#### 307.5.3 OFFICERS NOT INVOLVED IN THE PURSUIT

Officers who are not involved in the pursuit should remain in their assigned areas, should not parallel the pursuit route and should not become involved with the pursuit unless directed otherwise by a supervisor. Uninvolved officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Those officers should attempt to place their vehicles in locations that provide some safety or an escape route in the event of an unintended accident or if the suspect intentionally tries to ram the police department vehicle.

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

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Vehicle Pursuits*

---

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

#### **307.6 SUPERVISORY CONTROL AND RESPONSIBILITIES**

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

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

- (a) Immediately notifying involved officers and the dispatcher of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit. This is to ensure that the pursuit is conducted within established department guidelines.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the required law enforcement vehicles are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that assistance from air support, canines or additional resources is requested, if available and appropriate.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring that the Shift Commander is notified of the pursuit, as soon as practicable.
- (i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this department.
- (j) Controlling and managing Traverse City Police Department officers when a pursuit enters another jurisdiction.
- (k) Preparing a post-pursuit review and documentation of the pursuit as required.

##### **307.6.1 SHIFT COMMANDER RESPONSIBILITIES**

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

The Shift Commander shall review all pertinent reports for content and forward them to the Division Commander.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Vehicle Pursuits*

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### **307.7 CENTRAL DISPATCH**

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

#### **307.7.1 RESPONSIBILITIES**

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

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

### **307.8 LOSS OF PURSUED VEHICLE**

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

If the previously pursued vehicle is relocated, the involved officers must seek and obtain permission from a supervisor to reinstate the previously discontinued or terminated pursuit.

### **307.9 INTERJURISDICTIONAL CONSIDERATIONS**

When a pursuit enters another agency's jurisdiction, the primary pursuing officer or supervisor, taking into consideration the distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit.

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

#### **307.9.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY**

Officers will relinquish control of the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Traverse City Police Department is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved officers may proceed,

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Vehicle Pursuits*

---

with supervisory approval, to the termination point of the pursuit to assist in the investigation. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for any reports.

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

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

#### 307.9.2 PURSUITS EXTENDING INTO THIS JURISDICTION

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

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

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

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

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

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

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Vehicle Pursuits*

---

#### **307.10 PURSUIT INTERVENTION**

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

##### **307.10.1 WHEN USE IS AUTHORIZED**

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

##### **307.10.2 USE OF FIREARMS**

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

##### **307.10.3 INTERVENTION STANDARDS**

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

- (a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to the public's safety, and when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this intervention tactic should only be employed by properly trained officers and after giving consideration to the following:
  - 1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risk of injury or death to occupants of the suspect vehicle, officers or others.
  - 2. All other reasonable intervention tactics have failed or reasonably appear ineffective.
  - 3. Employing the blocking or vehicle intercept maneuver does not unreasonably increase the risk of danger to those involved or the public.
  - 4. The suspect vehicle is stopped or traveling at a low speed.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Vehicle Pursuits*

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5. Only law enforcement vehicles should be used in this tactic.
  - (b) The PIT is limited to use by properly trained officers with the approval of a supervisor and upon assessment of the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public and occupants of the pursued vehicle.
  - (c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted or would not be effective, and immediate control is necessary. Ramming should be reserved for situations where there does not appear to be another reasonable alternative method. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized. When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:
    1. The suspect is an actual or suspected felon, who reasonably appears to represent a serious threat to the public if not apprehended.
    2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner or using the vehicle as a weapon.
  - (d) Boxing-in a suspect vehicle should only be attempted upon approval by a supervisor. The use of such a tactic must be carefully coordinated with all involved vehicles, taking into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle. Officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.
  - (e) Tire deflation devices should be deployed only after notification of pursuing officers and the supervisor of the intent and location of the intended deployment, and in a manner that:
    1. Should reasonably only affect the pursued vehicle.
    2. Provides the deploying officer adequate cover and escape from intentional or unintentional exposure to the approaching vehicle.
    3. Takes into account the limitations of such devices as well as the potential risk to officers, the public and occupants of the pursued vehicle.
    4. Takes into account whether the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials or a school bus transporting children.
  - (f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor. If roadblocks are deployed, it should

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Vehicle Pursuits*

---

only be done under extraordinary conditions when all other reasonable intervention tactics have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers or the public.

#### **307.11 CAPTURE OF SUSPECTS**

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

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

#### **307.12 REPORTING REQUIREMENTS**

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

- (a) The primary pursuing officer shall complete appropriate crime/arrest reports.
- (b) The primary pursuing officer and supervisor shall complete the appropriate pursuit report form.
- (c) After first obtaining the available information, the involved, or if unavailable, on-duty field supervisor shall promptly complete a pursuit report form briefly summarizing the pursuit to the Chief of Police or the authorized designee. This pursuit report form should include, at a minimum:
  1. Date and time of the pursuit.
  2. Initial reason and circumstances surrounding the pursuit.
  3. Length of pursuit in distance and time, including the starting and termination points.
  4. Involved vehicles and officers.
  5. Alleged offenses.
  6. Whether a suspect was apprehended, as well as the means and methods used.
    - (a) Any use of force shall be reported and documented in compliance with the Use of Force Policy.
  7. Arrestee information, if applicable.
  8. Any injuries and/or medical treatment.
  9. Any property or equipment damage.
  10. Name of supervisor at the scene or who handled the incident.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Vehicle Pursuits*

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11. A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.
  12. All assisting officers shall complete a supplemental report.
- (d) After receiving copies of reports, forms and other pertinent information, the Chief of Police or the authorized designee shall conduct or assign the completion of a meaningful post-pursuit review, as appropriate.

#### [Procedure Manual: 307.1 PURSUIT REPORTING FORM](#)

#### **307.13 REGULAR AND PERIODIC PURSUIT TRAINING**

In addition to initial and supplementary training on pursuits, all officers will participate, no less than annually:

- (a) in regular and periodic training addressing this policy and the importance of vehicle safety and protecting the public
- (b) recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others
- (c) a practical course of instruction on emergency vehicle operations

#### **307.14 POLICY REVIEW**

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

#### **307.15 VEHICLE PURSUIT ANALYSIS**

At least annually, the Patrol Services Division Commander should prepare an analysis report on vehicle pursuit incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and should include:

- (a) The identification of any trends in vehicle pursuits by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.



## Foot Pursuits

### 308.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

### 308.2 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

### 308.3 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual that the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity alone shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

- (a) Containment of the area.
- (b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
- (c) A canine search.
- (d) Thermal imaging or other sensing technology.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Foot Pursuits*

---

- (e) Air support.
- (f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

#### **308.4 GENERAL GUIDELINES AND RESTRICTIONS**

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

- (a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.
- (b) The officer is acting alone.
- (c) Two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The officer is unsure of his/her location and direction of travel.
- (e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspects should a confrontation occur.
- (f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.
- (g) The officer loses radio contact with the dispatcher or with assisting or backup officers.
- (h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
- (j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
- (k) The officer loses possession of his/her firearm or other essential equipment.
- (l) The officer or a third party is injured during the foot pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer known.
- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department members or the public if the suspect is not immediately apprehended.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Foot Pursuits*

---

- (o) The officer's ability to safely continue the foot pursuit is impaired by inclement weather, darkness or other environmental conditions.

### **308.5 RESPONSIBILITIES IN FOOT PURSUITS**

#### **308.5.1 INITIATING OFFICER RESPONSIBILITIES**

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit and containment. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel
- (b) Call sign identifier
- (c) Reason for the foot pursuit, such as the crime classification
- (d) Number of suspects and description, to include name if known
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the dispatcher of his/her location and the status of the foot pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

Prior to reinstating a previously terminated foot pursuit, the officer should consider the safety concerns and the severity of the situation. If the pursuit was terminated by a supervisor, and if conditions change, the supervisor may allow the foot pursuit to be reinitiated.

#### **308.5.2 ASSISTING OFFICER RESPONSIBILITIES**

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize nonessential radio traffic to permit the involved officers maximum access to the radio frequency.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Foot Pursuits*

---

Assisting officers should immediately attempt to contain the pursued suspect. Such officers should not respond directly to the initiating officer's location unless the suspect has been stopped and the initiating officer requests assistance to take the suspect into custody.

When two or more officers are in pursuit they should:

- (a) Not separate unless they remain in sight of each other and maintain communication.
- (b) Allow the initiating officer to concentrate on the suspect's actions, while the assisting officer(s) provides backup and maintains communications with dispatch and other assisting officers.

To make apprehension more likely a perimeter is used to contain a suspect in a specific area, and when combined with discontinuing the foot pursuit, reduces the inherent risks associated with pursuing. When an armed suspect flees on foot, using a perimeter greatly decreases the likelihood of an ambush. When establishing a perimeter, officers should follow the tactical guidelines of control, communicate, coordinate, and contain.

Officers should try to follow the same general path, not the exact route, as the suspect so that the suspect, not the officer, discovers hidden obstacles such as clotheslines, wires, cables, holes, sprinkler heads, and so forth. Officers should try to parallel the suspect when possible.

#### 308.5.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need to be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

#### 308.5.4 CENTRAL DISPATCH RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved officers.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the foot pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Foot Pursuits*

---

- (f) Notifying the Shift Commander as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

#### **308.6 REPORTING REQUIREMENTS**

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

- (a) The primary pursuing officer shall complete appropriate crime/arrest reports.
- (b) The primary pursuing officer and supervisor shall complete the appropriate pursuit report form.
- (c) After first obtaining the available information, the involved, or if unavailable, on-duty field supervisor shall promptly complete a pursuit report form briefly summarizing the pursuit to the Chief of Police or the authorized designee. This pursuit report form should include, at a minimum:
  - 1. Date and time of the pursuit.
  - 2. Initial reason and circumstances surrounding the pursuit.
  - 3. Length of pursuit in distance and time, including the starting and termination points.
  - 4. Involved vehicles and officers.
  - 5. Alleged offenses.
  - 6. Whether a suspect was apprehended, as well as the means and methods used.
    - (a) Any use of force shall be reported and documented in compliance with the Use of Force Policy.
  - 7. Arrestee information, if applicable.
  - 8. Any injuries and/or medical treatment.
  - 9. Any property or equipment damage.
  - 10. Name of supervisor at the scene or who handled the incident.
  - 11. A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.
- (d) All assisting officers shall complete a supplemental report.
- (e) After receiving copies of reports, forms and other pertinent information, the Chief of Police or the authorized designee shall conduct or assign the completion of a meaningful post-pursuit review, as appropriate.

[Procedure Manual: 307.1 PURSUIT REPORTING FORM](#)

#### **308.7 MEANINGFUL REVIEW**

A meaningful review of all foot pursuits will be conducted by the Division Commander and will include the following:

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Foot Pursuits*

---

- (a) reason for the foot pursuit and severity of offense,
- (b) reasonable suspicion the subject was armed,
- (c) officer knowledge of the person pursued,
- (d) the risk posed to other officers and the public by the suspect,
- (e) time of day and weather conditions,
- (f) available backup and support resources,
- (g) the officer's familiarity with the foot pursuit area,
- (h) officer action at apprehension/termination of pursuit or transition to other tactic,
- (i) reasonableness of use of force by the officer(s),
- (j) compliance with policy and training, actions and decisions of supervisor in managing the activity.

Upon completion of the review, the Division Commander will:

- (a) Note the disposition of the review.
- (b) Acknowledge the pursuit form by signature.
- (c) Enter the findings and completed form into the Guardian Tracking system.

#### **308.8 FOOT PURSUIT ANALYSIS**

At least annually, the Patrol Services Division Commander shall prepare an analysis report on foot pursuit incidents. The report should be submitted to the Chief of Police. The report shall not contain the names of officers, suspects or case numbers, and should include:

- (a) The identification of any trends in foot pursuits by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

## Officer Response to Calls

### 309.1 PURPOSE AND SCOPE

This policy provides officers with guidelines for the safe and appropriate vehicular response to emergency and non-emergency incidents or requests for assistance, whether these are dispatched or self-initiated.

### 309.2 POLICY

It is the policy of this department to appropriately respond to emergency and non-emergency calls for service or requests for assistance, whether these are dispatched or self-initiated.

### 309.3 RESPONSE TO CALLS

Officers responding to non-emergency calls shall proceed accordingly, unless they are sent or redirected to a higher priority call, and shall obey all traffic laws.

#### 309.3.1 EMERGENCY CALLS

Officers responding to an emergency call shall proceed immediately as appropriate and shall continuously operate the emergency vehicle lighting and siren as required by law (MCL 257.603).

Officers should only respond to a call as an emergency response when so dispatched or when circumstances reasonably indicate an emergency response is required. This includes, but is not limited to:

- (a) When in pursuit or apprehending a violator or suspected violator.
- (b) When responding to a reported emergency involving possible personal injury, death or significant property damage.
- (c) When immediate assistance is requested by an officer or other law enforcement agency.

If an officer believes an emergency response to any call is appropriate, the officer shall immediately notify the dispatcher.

Officers not responding to a call as an emergency response shall observe all traffic laws and proceed without the use of emergency lights and siren.

### 309.4 REQUESTING EMERGENCY ASSISTANCE

When requesting emergency assistance, the involved department member should reasonably believe there is an imminent threat to the safety of him/herself or another person, or that assistance is needed to prevent imminent serious harm to the public.

If circumstances permit, the requesting member should provide the following information:

- Identifying call sign
- Location of the emergency situation
- Suspect information, including weapons

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Officer Response to Calls*

---

- Reason for the request and type of emergency
- The number of officers or resources required
- Hazards and any known or potential dangers for responding officers

In any event where a situation has stabilized and emergency response is not required, the requesting member shall immediately notify the dispatcher.

#### **309.5 SAFETY CONSIDERATIONS**

Responding with emergency lights and siren does not relieve the operator of an emergency vehicle of the duty to continue to drive with due regard for the safety of all persons and property, and does not protect the operator from the consequences of reckless disregard for the safety of others. However the officer may, when responding to a call with an emergency response, and provided there is no endangerment or unnecessary risk to persons and property:

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

##### **309.5.1 NUMBER OF OFFICERS ASSIGNED**

The number of officers assigned to respond to an emergency call or request for assistance should be limited to that which is reasonably necessary.

An emergency response involving more than one police vehicle should be coordinated by Central Dispatch to avoid any unanticipated intersecting of response routes. The dispatcher shall notify the Shift Commander or field supervisor, who will make a determination regarding the appropriateness of the response and reduce or enhance the response as warranted.

##### **309.5.2 MOTORCYCLES**

An officer operating a police motorcycle should not be assigned to an emergency response. However, an officer operating a police motorcycle in an emergency response should be replaced by an authorized emergency vehicle equipped with emergency lights and siren as soon as practicable.

#### **309.6 EMERGENCY EQUIPMENT**

Vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in an emergency response. Officers in such vehicles may provide support to pursuing vehicles as long as the vehicles are operated in compliance with all traffic laws. Those officers should terminate their involvement in any emergency response immediately upon arrival of a sufficient number of emergency law enforcement vehicles.

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the emergency response and continue accordingly. The officer shall notify the Shift Commander, field



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Officer Response to Calls*

---

supervisor or the dispatcher of the equipment failure so that another officer may be assigned to the emergency response.

#### **309.7 OFFICER RESPONSIBILITIES**

The decision to initiate or continue an emergency response is at the discretion of the officer. If, in the officer's judgment, the weather, traffic and road conditions do not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of emergency lights and siren at the legal speed limit. In such an event, the officer should immediately notify the dispatcher. An officer shall also discontinue an emergency response when directed by a supervisor or as otherwise appropriate.

Upon receiving authorization or determining that an emergency response is appropriate, whenever practicable, an officer shall immediately give the location from which he/she is responding.

The first officer arriving at the emergency call should determine whether to increase or reduce the level of the response of additional officers and shall notify the dispatcher of his/her determination. Any subsequent change in the appropriate response level should be communicated to the dispatcher by the officer in charge of the scene unless a supervisor assumes this responsibility.

#### **309.8 CENTRAL DISPATCH**

When information reasonably indicates that the public is threatened with serious injury or death, or an officer requests emergency assistance and immediate law enforcement response is needed, the dispatcher shall assign an emergency response and ensure acknowledgement and response of handling and assisting officers. In all other circumstances, the dispatcher shall obtain authorization from the Shift Commander or a field supervisor prior to assigning an emergency response.

##### **309.8.1 RESPONSIBILITIES**

Upon notification or assignment of an emergency response, the dispatcher is responsible for:

- (a) Confirming the location from which the officer is responding or requesting assistance.
- (b) Attempting to assign the closest available assisting officers to the location of the emergency call.
- (c) Continuing to obtain and broadcast information as necessary concerning the response and monitoring the situation until it is stabilized or terminated.
- (d) Notifying and coordinating allied emergency services (e.g., fire, emergency medical services).
- (e) Notifying the Shift Commander as soon as practicable.
- (f) Controlling all radio communications during the emergency and coordinating assistance under the direction of the Shift Commander or field supervisor.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Officer Response to Calls*

---

#### **309.9 SUPERVISOR RESPONSIBILITIES**

Upon being notified that an emergency response has been initiated or requested, the Shift Commander or the field supervisor shall verify that:

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

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

It is the supervisor's responsibility to terminate an emergency response that, in his/her judgment, is inappropriate due to the circumstances.

When making the decision to authorize an emergency response, the Shift Commander or the field supervisor should consider:

- The type of call or crime involved.
- The type and circumstances of the request.
- The necessity of a timely response.
- Weather, traffic and road conditions.
- The location of the responding officers and the location of the incident.

## Canines

### 310.1 PURPOSE AND SCOPE

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

### 310.2 POLICY

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

### 310.3 ASSIGNMENT

Canine teams are assigned to the Patrol Services Division and will primarily perform the functions of the patrol officers assigned to the shift. The canine teams will also be used to assist and supplement the Patrol Services Division with operations consistent with their particular expertise (drug, IED, article search, and tracking).

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

### 310.4 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the Patrol Services Division Commander or the authorized designee.

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

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

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Canines*

---

### **310.5 REQUESTS FOR CANINE TEAMS**

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

#### **310.5.1 OUTSIDE AGENCY REQUEST**

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

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

#### **310.5.2 PUBLIC DEMONSTRATION**

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

Petting of any canine during public demonstrations may be allowed when approved by the canine coordinator, taking into account the temperament of the canine as well as the ability of the handler to control the canine. Soft muzzles may be used during demonstrations at the discretion of the canine handler. If, for any reason, it is deemed that a canine shall not be petted during public demonstrations such notice will be provided to the handler in writing and placed in his/her personnel file. The safety of the public during demonstrations is the responsibility of the handler.

### **310.6 APPREHENSION GUIDELINES**

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

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

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Canines*

---

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

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

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

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable.

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

#### 310.6.1 PREPARATION FOR DEPLOYMENT

Prior to the use of a canine to search for or apprehend any suspect, the canine handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include but is not limited to:

- (a) The nature and seriousness of the suspected offense.
- (b) Whether violence or weapons were used or are anticipated.
- (c) The degree of resistance or threatened resistance, if any, the suspect has shown.
- (d) The suspect's known or perceived age.
- (e) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.
- (f) Any potential danger to the public and/or other officers at the scene if the canine is released.
- (g) The potential for the suspect to escape or flee if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

## *Canines*

---

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

### 310.6.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

If a warning is not to be given, the canine handler, when practicable, should first advise the supervisor of his/her decision before releasing the canine. In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

### 310.6.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES

Handlers should document canine deployments in a canine use report. Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in a canine use report. The injured person shall be promptly treated by Emergency Medical Services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the canine coordinator. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use report.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

## **310.7 NON-APPREHENSION GUIDELINES**

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply:

- (a) Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Canines*

---

- (b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.
- (c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.
- (d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

#### **310.7.1 ARTICLE DETECTION**

A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

#### **310.7.2 NARCOTICS DETECTION**

A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

- (a) The search of vehicles, buildings, bags, and other articles.
- (b) Assisting in the search for narcotics during a search warrant service.
- (c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

A narcotics-detection trained canine will not be used to search a person for narcotics.

#### **310.7.3 BOMB/EXPLOSIVE DETECTION**

Because of the high risk of danger to the public and officers when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be considered. When available, an explosive-detection canine team may be used in accordance with current law and under certain circumstances, including:

- (a) Assisting in the search of a building, structure, area, vehicle, or article where an actual or suspected explosive device has been reported or located.
- (b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).
- (c) Preventive searches at special events, VIP visits, official buildings, and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.
- (d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

At no time will an explosive-detection trained canine be used to render a suspected device safe or clear.

#### **310.8 HANDLER SELECTION**

The minimum qualifications for the assignment of canine handler include:

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### Canines

---

- (a) An officer who is currently off probation.
- (b) Residing in an adequately fenced single-family residence.
- (c) Living within 30 minutes travel time from the Traverse City City limits.
- (d) Agreeing to be assigned to the position for a minimum of three years.

#### **310.9 HANDLER RESPONSIBILITIES**

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions.

The canine handler will be responsible for the following:

- (a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.
- (c) When not in service, the handler shall maintain the canine vehicle in a locked garage, if available, and away from public view.
- (d) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Traverse City Police Department facility.
- (e) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.
- (f) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.
- (g) When off-duty, the canine shall be in a kennel provided by the City at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.
- (h) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
- (i) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Shift Commander.
- (j) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Shift Commander.
- (k) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

## Canines

---

### 310.9.1 CANINE IN PUBLIC AREAS

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

- (a) A canine shall not be left unattended in any area to which the public may have access.
- (b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

### 310.9.2 CANINE IN LAW ENFORCEMENT CENTER (LEC)

The canine should be under the control of the handler at all times while in the LEC, including the secured areas, and not allowed to roam free. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

- (a) A canine should be on a leash during Roll Call.
- (b) A canine should be on a leash while the handler moves about the LEC with the canine.

### 310.10 HANDLER COMPENSATION

The canine handler shall be available for call-out under conditions specified by the canine coordinator.

The canine handler shall be compensated for time spent in the care, feeding, grooming, and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA), and according to the terms of the collective bargaining agreement (29 USC § 207).

### 310.11 EQUIPMENT

When a canine is put into service, the basic equipment required for the care and well-being of the canine will be provided by the Department to the Canine Handler at the cost of Department.

- (a) Groom and Care
  - 1. Water Bowl
  - 2. Food Bowl
  - 3. Comb
  - 4. Brush
  - 5. Travel Kennel
  - 6. Dog Kennel with Covering
  - 7. Dog House
  - 8. Heat Lamp
- (b) Leashes
  - 1. One (1) 15-foot nylon lead
  - 2. One (1) 6-foot leather lead

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Canines*

---

- (c) Training Equipment
  - 1. Prong collar
  - 2. Leather collar
  - 3. Muzzle
  - 4. Bite sleeve
  - 5. Canine toy

In addition to the above, explosive detection handlers will also carry a DOT-approved explosives carrier, which may contain any of the Explosive Substance Training Aids and corresponding data sheet.

In addition to the above, narcotics detection handlers will also carry a department approved lockbox, which may contain any of the Controlled Substance Training Aids specified and corresponding inventory records.

#### **310.12 CANINE INJURY AND MEDICAL CARE**

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator or Shift Commander as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler's personnel file.

#### **310.13 TRAINING**

Before assignment in the field, each canine team should be trained and certified to the standards promulgated by a state accrediting body, if any, and/or the certification organization selected by the agency. Organizations with national credibility generally include the United States Police Canine Association (USPCA), North American Police Work Dog Association (NAPWDA) and California Narcotic Canine Association (CNCA).

Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards established for their particular skills.

The canine coordinator shall be responsible for scheduling periodic training for all department members in order to familiarize them with how to conduct themselves in the presence of department canines. Because canines may be exposed to dangerous substances such as opioids, as resources are available, the canine coordinator should also schedule periodic training for the canine handlers about the risks of exposure and treatment for it.

All canine training shall be conducted while on-duty unless otherwise approved by the canine coordinator or Shift Commander.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Canines*

---

##### 310.13.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to a current nationally recognized standard or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

- (a) Canine teams should receive training as defined in the current contract with the Traverse City Police Department canine training provider.
- (b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.
- (c) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is not reviewed and approved by the Department.

##### 310.13.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

##### 310.13.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's and the canine's training file.

##### 310.13.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Officers possessing, using, or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements. Alternatively, the Traverse City Police Department may work with outside trainers with the applicable licenses or permits.

##### 310.13.5 CONTROLLED SUBSTANCE TRAINING AIDS

Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws and in compliance with applicable state requirements (21 USC § 823(f); MCL 333.7304).

The Chief of Police or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Traverse City Police Department to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this department for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Chief of Police or the authorized designee may request narcotics training aids from the Drug Enforcement Administration (DEA).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Canines*

---

##### 310.13.6 CONTROLLED SUBSTANCE PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine's accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

- (a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.
- (b) The weight and test results shall be recorded and maintained by this department.
- (c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
- (d) All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.
- (e) All controlled substance training samples will be stored in locked, airtight, and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.
- (f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- (g) Any unusable controlled substance training samples shall be returned to the Property and Evidence Section or to the dispensing agency.
- (h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

##### 310.13.7 EXPLOSIVE TRAINING AIDS

Officers may possess, transport, store or use explosives or destructive devices in compliance with state and federal laws (18 USC § 842; 27 CFR 555.41; MCL 750.200k).

Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

- (a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.
- (b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.
- (c) The canine coordinator shall be responsible for verifying the explosive training aids on hand against the inventory ledger once each quarter.
- (d) Only members of the canine team shall have access to the explosive training aids storage facility.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Canines*

---

- (e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.
- (f) Any lost or damaged explosive training aids shall be promptly reported to the canine coordinator, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

#### **310.14 ANNUAL REPORT**

The Patrol Division Commander in conjunction with the Canine Coordinator should complete an annual report to the Chief of Police concerning the progress and status of Canine program.

## Domestic Violence

### 311.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of the Traverse City Police Department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence (MCL 776.22).

#### 311.1.1 DEFINITIONS

Definitions related to this policy include:

**Court order** - All forms of orders related to domestic violence, that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

**Domestic violence** - Any state or local criminal offense, or the act of causing or attempting to cause physical or mental harm; the fear of either physical or mental harm; sexual activity by force, threat or duress; or any other activity that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed or molested, when such criminal offense or act is committed against a family or household member (MCL 400.1501; MCL 764.15c).

**Domestic violence offense** - A violation of MCL 750.81 or MCL 750.81a when the suspect (MCL 764.15a):

- (a) Has had a child in common with the victim.
- (b) Resides or has resided with the victim.
- (c) Has or has had a dating relationship with the victim.
- (d) Is a spouse or former spouse of the victim.

**Family or household member** - Any of the following (MCL 400.1501; MCL 750.81a):

- (a) Spouses or former spouses
- (b) Individuals residing or who previously resided together
- (c) Individuals in a dating or previous dating relationship
- (d) Individuals engaged or previously engaged in a sexual relationship
- (e) Individuals who are or were formerly related by marriage
- (f) Individuals who have a child in common
- (g) A minor child of any of the above mentioned individuals

### 311.2 POLICY

The Traverse City Police Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Domestic Violence*

---

to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

#### **311.3 OFFICER SAFETY**

The investigation of domestic violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

#### **311.4 INVESTIGATIONS**

The following guidelines should be followed by officers when investigating domestic violence cases:

- (a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.
- (c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Detective Bureau in the event that the injuries later become visible.
- (f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.
- (h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.
- (i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Domestic Violence*

---

- (j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
1. Whether the suspect lives on the premises with the victim.
  2. Claims by the suspect that the victim provoked or perpetuated the violence.
  3. The potential financial or child custody consequences of arrest.
  4. The physical or emotional state of either party.
  5. Use of drugs or alcohol by either party.
  6. Denial that the violence occurred where evidence indicates otherwise.
  7. A request by the victim not to arrest the suspect.
  8. Location of the incident (public/private).
  9. Speculation that the complainant may not follow through with the prosecution.
  10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
  11. The social status, community status, or professional position of the victim or suspect.
  12. The absence of visible indications of injury or impairment (MCL 776.22).

#### **311.4.1 IF A SUSPECT IS ARRESTED**

If a suspect is arrested, officers should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.
- (c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

#### **311.4.2 IF NO ARREST IS MADE**

If no arrest is made, the officer should:

- (a) Advise the parties of any options, including but not limited to:
  1. Voluntary separation of the parties.
  2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness assistance).
- (b) Document the resolution in a report.

#### **311.5 VICTIM ASSISTANCE**

Because victims may be traumatized or confused, officers should be aware that a victim's behavior and actions may be affected.



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Domestic Violence*

---

- (a) Victims shall be provided with the department domestic violence information handout, even if the incident may not rise to the level of a crime (MCL 764.15c; MCL 780.753).
- (b) Victims shall also be alerted to any available victim advocates, shelters and community resources (MCL 764.15c; MCL 776.22).
- (c) When an involved person requests law enforcement assistance while removing essential items of personal property, officers should stand by for a reasonable amount of time.
- (d) If the victim has sustained injury or complains of pain, officers shall seek medical assistance for the victim as soon as practicable (MCL 776.22).
- (e) Officers should ask the victim whether he/she has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.
- (f) Officers should make reasonable efforts to ensure that any children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (g) If appropriate, officers shall seek or assist the victim in obtaining an emergency order (MCL 776.22).

#### **311.6 DISPATCH ASSISTANCE**

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

#### **311.7 FOREIGN COURT ORDERS**

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state (MCL 600.2950i). An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

##### **311.7.1 VERIFICATION**

If a person seeking enforcement of a foreign court order does not possess a copy of the order, officers shall attempt to verify the existence of a foreign protection order. This may include, but is not limited to, checking the Law Enforcement Information Network (LEIN) or the National Crime Information Center (NCIC) system, contacting the court that issued the order or the law enforcement agency of the issuing jurisdiction (MCL 600.2950i).

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Domestic Violence*

---

#### **311.8 VERIFICATION OF COURT ORDERS**

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practicable:

- (a) Ask the subject of the order about his/her notice or receipt of the order, knowledge of its terms and efforts to respond to the order.
- (b) Check available records or databases that may show the status or conditions of the order.
- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

#### **311.9 STANDARDS FOR ARRESTS**

Officers investigating a domestic violence report should consider the following:

- (a) Officers having probable cause to believe that a person has committed a domestic violence offense should make an arrest (MCL 764.15a).
- (b) Officers having probable cause to believe that a person has violated a personal protective order, including a foreign protection order, should arrest the person (MCL 764.15b).
  1. If the person had not received prior notice of the order, he/she shall be given an opportunity to comply with the order before an arrest is made (MCL 600.2950; MCL 600.2950a).
- (c) An officer who has probable cause to believe that a person has violated a condition of release (conditional bond) imposed under MCL 780.582a should arrest the person (MCL 764.15e).
  1. The arresting officer shall prepare a complaint of violation in the format prescribed in MCL 764.15e and provide a copy to the arrestee.
- (d) Any decision not to arrest when there is probable cause to do so should be made by a supervisor based on a clear and compelling reason not to arrest.
- (e) An appearance ticket shall not be issued to a person arrested (MCL 764.9c):
  1. For a violation of a personal protective order.
  2. When the person is the subject to a mandatory period of confinement.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Domestic Violence*

---

3. When the person has not met a condition of bond or release.
  4. For assault and battery or domestic assault with a prior conviction (MCL 750.81).
  5. For assault with serious or aggravated injury or aggravated domestic assault with a prior conviction (MCL 750.81a).
- (f) Officers should not arrest an individual if the officer has probable cause to believe the individual was acting in lawful self-defense or in lawful defense of another (MCL 776.22).
- (g) When circumstances could result in a dual arrest because an officer has probable cause to believe that a family or household member has committed crimes against each other, the officer should consider the following when making a decision whether to arrest one or both of the individuals:
1. The intent of state law to protect victims of domestic violence.
  2. The degree of injury inflicted on the individuals involved.
  3. The extent to which the individuals have been put in fear of physical injury to themselves or other members of the household.
  4. Any history of domestic violence between the individuals.

#### **311.9.1 RELEASE**

Officers making an arrest for a domestic violence incident should notify the proper custodial officer that the individual may not be eligible for release until he/she can be arraigned or have an interim bond set by a judge or district court magistrate (MCL 780.582a; MCL 764.15b; MCL 764.15e).

#### **311.10 REPORTS AND RECORDS**

- (a) Reports of domestic violence shall be on the standard domestic violence incident report form created by the Michigan State Police (MSP) or on a substantially similar form (MCL 764.15c).
- (b) The Records Supervisor should ensure:
1. That a copy of the report is filed with the prosecuting attorney within 48 hours of the initial incident (MCL 764.15c).
  2. In cases of conditional bond violations, that a copy of the complaint is retained with the case file and that the original is forwarded as required (MCL 764.15e).
  3. For arrests involving the violation of a protection order, the biometric data of the arrestee, as defined by MCL 28.241a, that is collected during the booking process shall be forwarded to the MSP within 72 hours (MCL 28.243).
  4. That domestic violence incidents are reported to the MSP as required (MCL 28.257).

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Domestic Violence*

---

##### **311.11 SERVICE OF COURT ORDERS**

Officers responding to a domestic violence incident and having knowledge that an unserved court order exists shall serve the person restrained or enjoined with a copy of the order, or advise the person of the existence of the order, the specific conduct enjoined, the penalties for violating the order and where the person may obtain a copy of the order. Proof of service shall be filed with the clerk of the issuing court (MCL 600.2950; MCL 600.2950a; MCL 600.2950i).

##### **311.12 ENTRY OF COURT ORDERS INTO THE LAW ENFORCEMENT INFORMATION NETWORK**

The Central Records Division is responsible for the entry, modification and removal of personal protection orders and protective or parole conditions, as directed by the court, in LEIN (MCL 780.582a; MCL 600.2950; MCL 600.2950a; MCL 765.6b).

###### **311.12.1 FIREARMS**

If an officer encounters an individual carrying a weapon in violation of a suspension or revocation order, the officer should attempt to determine if the individual had received previous notice of the order. If the individual had not received notice, the officer shall inform the individual of the order and allow the individual the opportunity to comply with the order before making an arrest. The officer notifying an individual of the existence of a suspension or revocation order shall enter such information in LEIN (MCL 28.428).

##### **311.13 PUBLIC ACCESS TO POLICY**

The Chief of Police or the authorized designee shall ensure that this policy is made available to the public upon request (MCL 776.22).

##### **311.14 ANNUAL REVIEW**

This policy shall be reviewed annually by the Chief of Police or the authorized designee (MCL 776.22).

##### **311.15 DISCIPLINE**

Members who violate this policy may be subject to discipline up to and including termination (MCL 776.22).

##### **311.16 TRAINING**

Subject to available resources, members should receive appropriate training on this policy (MCL 776.22).

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## Search and Seizure

### 312.1 PURPOSE AND SCOPE

Both the federal and state constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Traverse City Police Department personnel to consider when dealing with search and seizure issues.

### 312.2 POLICY

It is the policy of the Traverse City Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

The Department will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

### 312.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions to the rule that permit a warrantless search.

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the items listed in the below subsections.

#### 312.3.1 CONSENT SEARCHES

An officer is authorized to make a warrantless search when consent to search has been knowingly, intelligently, freely and voluntarily given by a person having control over the area to be searched. A request for consent should be specific as to the place or item to be searched.

Consent to search can be given verbally, but the burden to prove it was granted without coercion rests with the officer. When feasible, officers should obtain written consent.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Search and Seizure*

---

A third party who has common authority over the premises can consent to a search. Common authority depends upon joint access or control. For example, both spouses normally have common authority over the marital home. On the other hand, a landlord does not have common authority over a tenant's apartment. Likewise, a hotel employee does not have common authority over a guest's room.

A joint occupant can provide sufficient authority for an officer to search, by consent, only if others having shared authority over the premises are not immediately available, or are available and do not object to the warrantless search.

A minor whom the courts deem to be of adequate maturity and intelligence, and who enjoys access and authority over the home, may provide sufficient authority for an officer to search the premises without a warrant.

The burden to prove that consent was freely and voluntarily given is not satisfied by a showing of mere submission to authority. For example, a person's failure to object to an officer's request to "look around" does not constitute valid consent. Consent cannot be conferred by silence.

Officers should not claim they can make a search regardless of consent. Consent which follows such a claim is invalid.

Searches should only be conducted by same gender officers unless exigent circumstances exist (i.e. active shooter scenarios, etc.) Any manipulation of clothing items of a person not placed under arrest, must be based upon consent, should be conducted by a member of the same gender, and documented. All searches or pat-downs should be conducted in the presence of a second officer if an officer of the opposite gender is not available.

#### 312.3.2 STOP AND FRISK

A stop-and-frisk refers to a brief non-intrusive police stop of a suspect, and is also referred to as a Terry stop. The Fourth Amendment requires that before stopping the suspect, the police must have a reasonable suspicion that a crime has been, is being, or is about to be committed by the suspect. If the police reasonably suspect that the suspect is armed and dangerous, the police may frisk the suspect, meaning that the police will give a quick pat-down of the suspect's outer clothing.

#### 312.3.3 SEARCH INCIDENT TO ARREST

Officers are authorized to search a person incident to their lawful arrest.

Arrestees should be searched by officers of the same gender as the detainee if possible. Officers who are searching arrestees of the opposite gender should do so in the presence of a second officer whenever practicable.

#### 312.3.4 SEARCH OF MOTOR VEHICLES

Officers are authorized to conduct a warrantless search of a motor vehicle based upon probable cause (which would be sufficient to justify the issuance of a search warrant) that the vehicle contains evidence or contraband. All areas or containers in the vehicle which could contain the particular evidence or contraband may be searched.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Search and Seizure*

---

If probable cause exists that evidence or contraband is contained in a specific container in a motor vehicle, then the container may be seized.

When an officer has lawfully stopped a motor vehicle and has a reasonable suspicion that it contains a weapon, the officer may conduct a "protective search" of the passenger compartment of the vehicle. The search must be limited to those areas in which a weapon could be hidden.

#### 312.3.5 AT THE SCENE OF A CRIME

Unless conducted during an authorized protective sweep, an officer is not authorized to conduct a frisk, or search of a person merely because that person is present at the scene of a crime or the execution of a search warrant.

#### 312.3.6 EXIGENT CIRCUMSTANCES

Officers are authorized to conduct a warrantless search when "exigent circumstances" exist.

Exigent circumstances may exist where a fleeing suspect is pursued from a public place into a private one, e.g., the suspect's home. The following factors are relevant in determining whether exigent circumstances exist:

- (a) The gravity of the offense committed;
- (b) The belief the suspect is armed;
- (c) The likelihood that the suspect will escape in the absence of swift police action, and;
- (d) The safety of the public is endangered.

Officers in "hot pursuit" of a fleeing suspect must comply with the "knock and announce" statute, unless to do so would be a useless gesture.

The imminent destruction, removal, or concealment of evidence is another exigent circumstance which may justify a warrantless entry into a building. However, the seriousness of the underlying offense, by itself, does not create an exigent circumstance. When it is known there is no one present inside of a building, the building should be secured by guarding the entrances while a search warrant is obtained.

Other exigent circumstances may include legitimate community caretaking interests, including, but not limited to, an officer preventing injury to himself/herself or others. Emergency aid doctrine may constitute an exigent circumstance as well, which includes an officer providing aid to someone in a building.

#### 312.3.7 PLAIN VIEW/PLAIN TOUCH/PLAIN SMELL

Officers are authorized to seize evidence in plain view. In order for evidence to be in plain view, the officer must be in a place where they have a legal right to be. Further, for an item to be in plain view, it must be immediately apparent that it is evidence of a crime.

Officers are authorized to search a motor vehicle when contraband is observed in plain view. Such contraband may be lawfully seized and a search for additional contraband conducted, regardless of whether an arrest has been made.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Search and Seizure*

---

Under the plain feel doctrine, a police officer may seize non-threatening contraband detected through the officer's sense of touch during a Terry frisk if the officer is lawfully in a position to detect the presence of contraband, the incriminating nature of the contraband is immediately apparent from its tactile impression and the officer has a lawful right of access to the object.

The plain feel doctrine is only applicable where the officer conducting the frisk feels an object whose mass or contour makes its criminal character immediately apparent. Immediately apparent means the officer readily perceives, without further exploration or searching, that what he or she is feeling is contraband. If, after feeling the object, the officer lacks probable cause to believe the object is contraband without conducting some further search, the immediately apparent requirement has not been met and the plain feel doctrine cannot justify the seizure of the object.

The sufficiently distinctive odor, or plain smell of contraband, by a person qualified to know such contraband, may establish probable cause to search a motor vehicle. The sufficiently distinctive odor of contraband may be used as a factor for establishing probable cause for a search warrant to search a container or area that has a reasonable expectation of privacy.

#### 312.3.8 OPEN FIELDS

Hester v. United States first introduced the doctrine that the Fourth Amendment protection does not extend to open fields. Governmental intrusion and information collection upon open fields does not constitute searches or seizures under the Fourth Amendment. Expectation of privacy in an open field is not considered reasonable or legitimate, even if there are fences or no trespassing signs around the field. Open fields may include any unoccupied or undeveloped area outside the curtilage.

#### **312.4 SEARCH PROTOCOL**

Although conditions will vary, and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

- (a) Members of this department will strive to conduct searches with dignity and courtesy.
- (b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (e) Whenever practicable, a search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.
- (f) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Search and Seizure*

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to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:

1. Another officer or a supervisor should witness the search.
2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

#### **312.5 DOCUMENTATION**

Officers are responsible for documenting any search and ensuring that any required reports are sufficient including, at minimum, documentation of:

- Reason for the search.
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys).
- What, if any, injuries or damage occurred.
- All steps taken to secure property.
- The results of the search including a description of any property or contraband seized.
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer.

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

## Child Abuse

### 313.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Traverse City Police Department members are required to notify Children's Protective Services (CPS) of suspected child abuse.

#### 313.1.1 DEFINITIONS

Definitions related to this policy include:

**Child** - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

**Child abuse** - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency.

### 313.2 POLICY

The Traverse City Police Department will investigate all reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law.

### 313.3 MANDATORY NOTIFICATION

Officers of the Traverse City Police Department shall notify CPS when there is reasonable cause to suspect child abuse or neglect (MCL 722.623).

For purposes of notification, abuse means harm or threatened harm to a child's health or welfare that occurs through non-accidental physical or mental injury, sexual abuse, sexual exploitation or maltreatment by a parent, legal guardian or any other person responsible for the child's health or welfare, including a teacher, teacher's aide or a member of the clergy. Neglect means harm or threatened harm to a child's health or welfare by a parent, legal guardian or other person responsible for the child by failing to provide the child with adequate food, clothing, shelter or medical care, or by failing to intervene to eliminate an unreasonable risk to the child's health or welfare (MCL 722.622).

#### 313.3.1 NOTIFICATION PROCEDURE

Notification shall occur as follows (MCL 722.623):

- (a) Immediately via the CPS Abuse and Neglect hotline or online reporting system if available.
- (b) A written report shall follow oral notification within 72 hours. The written report may be the prepared offense report if it includes the required information or the form prescribed by the Department of Health and Human Services or a report made using the online reporting system if available. The report shall contain the following information, if known:

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Child Abuse*

---

1. The child's name and age.
  2. A description of the abuse or neglect and the manner in which it occurred.
  3. The name and address of the child's parent, guardian or person with whom the child resides.
  4. Any information that may establish the cause of the abuse or neglect.
- (c) If the abuse or neglect involves exposure of the child to methamphetamine production, the written report shall be forwarded to the county department of the county where the child is located. If the person responsible for exposure is a child care provider, the written report shall also be sent to the child care regulatory agency which may have authority over the organization.

#### **313.4 QUALIFIED INVESTIGATORS**

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child-appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed (MCL 722.628).
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

#### **313.5 INVESTIGATIONS AND REPORTING**

In all reported or suspected cases of child abuse, officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.
- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Child Abuse*

---

- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

#### **313.6 PROTECTIVE CUSTODY**

Before taking any child into protective custody, the officer should make reasonable attempts to contact CPS. Generally, removal of a child from his/her family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to CPS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian by an officer if there is reasonable cause to believe that the child is at substantial risk of harm or is in surroundings that present an imminent risk of harm and the child's immediate removal from those surroundings is necessary to protect the child's health and safety. The child shall not be held in a detention facility and the officer shall immediately, or as soon as practicable, notify CPS of the removal. If the release of the child cannot be arranged, a court order shall be obtained for placement of the child (MCL 712A.14a).

##### **313.6.1 SAFE DELIVERY OF NEWBORNS**

A parent may surrender his/her newborn child who is less than three days old to a uniformed or identified on-duty member of the Traverse City Police Department.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Child Abuse*

---

The accepting member shall take necessary precautions for the safety of the infant, provide notice and written information outlining the parent's rights under the law and encourage the surrendering parent to provide all relevant facts related to the infant and both parents (MCL 712.3).

The accepting member shall arrange for safe transportation of the infant to a local hospital for a medical evaluation at which time the infant shall be released to medical personnel (MCL 712.5).

### **313.7 INTERVIEWS**

#### **313.7.1 PRELIMINARY INTERVIEWS**

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. It is the policy of the department to utilize the services of the Traverse Bay Children's Advocacy Center for child forensic interviews whenever possible. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred. The child shall not be interviewed in the presence of an individual suspected to have perpetrated the abuse or neglect (MCL 722.628c).

#### **313.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW**

An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
  - 1. A reasonable belief that medical issues of the child need to be addressed immediately.
  - 2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
  - 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

### **313.8 MEDICAL EXAMINATIONS**

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Child Abuse*

---

medical examination, the notified supervisor should consider obtaining a court order for such an examination (MCL 722.626).

#### **313.9 DRUG-ENDANGERED CHILDREN**

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

##### **313.9.1 SUPERVISOR RESPONSIBILITIES**

The Detective Bureau supervisor should:

- (a) Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community-specific procedures for responding to situations where there are children endangered by their exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Detective Bureau supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives at the scene.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the child.

##### **313.9.2 OFFICER RESPONSIBILITIES**

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

- (a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Detective Bureau supervisor so an interagency response can begin.

[Procedure Manual: 313.1 DEV CHECKLIST FORM](#)

#### **313.10 STATE MANDATES AND OTHER RELEVANT LAWS**

Members shall not release confidential information or identify the person reporting child abuse. This information is only subject to disclosure with the consent of that person or by judicial process (MCL 722.625).

##### **313.10.1 RELEASE OF REPORTS**

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Child Abuse*

---

##### 313.10.2 CHILD FATALITY REVIEW TEAMS

When a child dies as the result of abuse or neglect, the county child fatality review team should be notified (MCL 722.627b).

##### **313.11 TRAINING**

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.
- (g) Recognizing abuse that requires mandatory notification to another agency.
- (h) Instruction on the provisions of the Safe Delivery of Newborns law (MCL 712.1 et seq.).

## Adult Abuse

### 314.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Traverse City Police Department members as required by law.

#### 314.1.1 DEFINITIONS

Definitions related to this policy include:

**Adult abuse** - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement.

### 314.2 POLICY

The Traverse City Police Department will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

### 314.3 MANDATORY NOTIFICATION

Members of the Traverse City Police Department shall notify Adult Protective Services (APS) when they suspect or have reasonable cause to believe that an adult has been abused, neglected or exploited (MCL 400.11a).

If the abuse involves an adult in a nursing home facility, members should contact the Michigan Department of Community Health (MCL 333.21771).

For purposes of notification, adult means a person 18 years of age or older who is unable to protect him/herself from abuse, neglect or exploitation because of a mental or physical impairment or because of advanced age. Abuse means harm or threatened harm to an adult's health or welfare including, but not limited to, non-accidental physical or mental injury, sexual abuse or maltreatment of the adult by another person. Neglect means harm to an adult's health or welfare caused by the adult's inability to respond to a harmful situation or by the conduct of a caregiver, including the failure to provide adequate food, clothing, shelter or medical care. Exploitation means an action that involves the misuse of an adult's funds, property or personal dignity by another person (MCL 400.11).

#### 314.3.1 NOTIFICATION PROCEDURE

Notification should occur by calling the APS telephone hotline immediately or as soon as practicable (MCL 400.11a). Notification shall contain, if known:

- (a) The name and age of the adult.
- (b) The names and addresses of the adult's guardian, next of kin or persons with whom the adult resides, including their relationship to the adult.
- (c) A description of the type of abuse, neglect or exploitation and the manner in which it occurred or is occurring.



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Adult Abuse*

---

- (d) Any other information available that may establish the cause of the abuse, neglect or exploitation.

#### **314.4 QUALIFIED INVESTIGATORS**

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

- (a) Conduct interviews in appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to adult abuse investigations.
- (c) Present all cases of alleged adult abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed (MCL 400.11b).
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

#### **314.5 INVESTIGATIONS AND REPORTING**

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult abuse victim is contacted.
- (b) Any relevant statements the victim may have made and to whom he/she made the statements.
- (c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
- (e) Whether the victim was transported for medical treatment or a medical examination.
- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
- (g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Adult Abuse*

---

- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

#### **314.5.1 REPORTS OF FINANCIAL EXPLOITATION**

Reports of suspected or detected financial exploitation shall be investigated and processed according to the requirements of MCL 487.2085, including providing required notifications to the involved financial institution and the Prosecuting Attorney (MCL 487.2085; Mich. Admin. Code, R 14.23).

#### **314.6 PROTECTIVE CUSTODY**

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact APS. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to APS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the adult into protective custody.

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

#### **314.7 INTERVIEWS**

##### **314.7.1 PRELIMINARY INTERVIEWS**

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected adult abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Adult Abuse*

---

##### **314.7.2 DETAINING VICTIMS FOR INTERVIEWS**

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
  - 1. A reasonable belief that medical issues of the adult need to be addressed immediately.
  - 2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
  - 3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.
- (b) A court order or warrant has been issued.

##### **314.8 MEDICAL EXAMINATIONS**

When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

##### **314.9 DRUG-ENDANGERED VICTIMS**

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

##### **314.9.1 SUPERVISOR RESPONSIBILITIES**

The Detective Bureau supervisor should:

- (a) Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers and local prosecutors to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Detective Bureau supervisor that he/she has responded to a drug lab or other narcotics crime

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Adult Abuse*

---

scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives at the scene.

- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the adult.

#### 314.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives should:

- (a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Detective Bureau supervisor so an interagency response can begin.

[Procedure Manual: 314.1 DEV CHECKLIST FORM](#)

#### **314.10 STATE MANDATES AND OTHER RELEVANT LAWS**

Michigan requires or permits the following:

##### 314.10.1 CENTRAL RECORDS DIVISION RESPONSIBILITIES

The Central Records Division is responsible for:

- (a) Providing a copy of the adult abuse report to APS as required by law (MCL 400.11a).
- (b) Retaining the original adult abuse report with the initial case file.

##### 314.10.2 RELEASE OF REPORTS

Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy.

#### **314.11 TRAINING**

The Department should provide training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting interviews.
- (c) Availability of therapy services for adults and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to adult abuse investigations.
- (f) Availability of victim advocates or other support.

## Discriminatory Harassment

### 315.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

### 315.2 POLICY

The Traverse City Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits, and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights and privileges it is designed to protect.

The nondiscrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

### 315.3 DEFINITIONS

Definitions related to this policy include:

#### 315.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or department equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to department policy and to a work environment that is free of discrimination.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Discriminatory Harassment*

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##### 315.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

##### 315.3.3 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, position, or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

##### 315.3.4 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission and the Michigan Civil Rights Commission guidelines (MCL 37.2208).
- (b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with city or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

#### **315.4 RESPONSIBILITIES**

This policy applies to all department members, who shall follow the intent of these guidelines in a manner that reflects department policy, professional standards, and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Human Resources Director, or the City Manager.

If, for any reason, the employee or applicant feels that he/she cannot report the incident to the Chief of Police, or the incident involves the Chief of Police as an actor, the member can report the incident to the Director of Human Resources. If, for any reason, the employee or applicant

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Discriminatory Harassment*

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feels that he/she cannot report the incident to the Director of Human Resources, or the incident involve the Director of Human Resources as an actor, the member can report the incident to the City Manager.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with a resolution as stated below.

#### 315.4.1 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Chief of Police, the Human Resources Director, or the City Manager for further information, direction, or clarification.

#### 315.4.2 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that their subordinates understand their responsibilities under this policy.
- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the Chief of Police or the Human Resources Director in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

#### 315.4.3 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the Department and professional standards.
- (b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Discriminatory Harassment*

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or counseling members, or issuing discipline in a manner that is consistent with established procedures.

#### **315.5 INVESTIGATION OF COMPLAINTS**

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation, or harassment shall be fully documented, and promptly and thoroughly investigated.

##### **315.5.1 SUPERVISOR RESOLUTION**

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

##### **315.5.2 FORMAL INVESTIGATION**

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, the Human Resources Director, or the City Manager.

##### **315.5.3 ALTERNATIVE COMPLAINT PROCESS**

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Discriminatory Harassment*

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##### 315.5.4 UNLAWFUL WORKPLACE HARASSMENT INVESTIGATION

The City of Traverse City has the responsibility of investigating and resolving complaints of discrimination and unlawful workplace harassment, consistent with state and federal Law.

##### **315.6 DOCUMENTATION OF COMPLAINTS**

All complaints or allegations shall be thoroughly documented on the appropriate forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

- (a) Approved by the Chief of Police, the City Manager, or the Human Resources Director, depending on the ranks of the involved parties.
- (b) Maintained in accordance with the established records retention schedule.

##### 315.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

##### **315.7 TRAINING**

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during the member's term with the Department.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents and agree that they will continue to abide by its provisions.

[Procedure Manual: 315.3 DISCRIMINATORY HARASSMENT POLICY TRAINING REPORT](#)

## Missing Persons

### 316.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

#### 316.1.1 DEFINITIONS

Definitions related to this policy include:

**At risk** - Includes persons who (MCL 28.258):

- (a) Are 16 years of age or younger.
- (b) Regardless of age, are believed or determined to be experiencing one or more of the following circumstances:
  - 1. Out of the zone of safety for his/her chronological age and developmental stage.
  - 2. Mentally, behaviorally, or physically disabled, or believed to be incapable of returning home without assistance.
  - 3. Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.
  - 4. Absent from home for more than 24 hours before being reported to law enforcement as missing.
  - 5. In a life-threatening situation.
  - 6. In the company of others who could endanger his/her welfare or physical safety.
  - 7. Absent in a way that is inconsistent with established patterns of behavior and cannot be readily explained. Most persons have an established and reasonably predictable routine.
  - 8. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk.
  - 9. Disappeared under circumstances indicating that the disappearance is not voluntary.
  - 10. Missing as the result of a natural or intentionally caused catastrophe or extraordinary accident that causes the loss of human life.
- (c) Qualify for a Mozelle Senior or Vulnerable Adult Medical Alert (Mozelle Alert) (MCL 28.712).
- (d) Qualify for a state AMBER Alert™ pursuant to MCL 28.753.

**Missing person** - Any person who is reported missing to law enforcement when that person's location is unknown.

**Missing person networks** - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the Law Enforcement Information

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Missing Persons*

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Network (LEIN), the National Missing and Unidentified Persons System (NamUs), and the Michigan's Missing Child Information Clearinghouse (MMIC).

#### **316.2 POLICY**

The Traverse City Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. Priority shall be given to missing person cases over property-related cases. Members will initiate an investigation into all reports of missing persons, regardless of the length of time the person has been missing.

#### **316.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS**

The Detective Bureau supervisor shall ensure the following forms and kits are developed and available:

- Missing person report form
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
- Missing person school notification form
- Medical and dental records release forms
- Biological sample collection kits

#### **316.4 ACCEPTANCE OF REPORTS**

Any member encountering an individual who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction.

#### **316.5 INITIAL INVESTIGATION**

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- (a) Respond to a dispatched call as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) Obtain and relay to Central Dispatch for broadcast an initial physical description of the missing person to include such things as:
  - (a) Name
  - (b) Date of Birth

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Missing Persons*

---

- (c) Race
  - (d) Sex
  - (e) Height
  - (f) Weight
  - (g) Hair and Eye Color
  - (h) Address
  - (i) Operator's License Number
  - (j) Social Security Number
  - (k) Clothing description, if known.
- (d) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (e) Broadcast an alert if there is evidence that the missing person is at risk. The alert should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is at risk.
- (a) An appropriate broadcast shall be initiated when the missing person is a child;
  - (b) has Alzheimer's disease or dementia, or is incapable of returning home without assistance (MCL 28.258).
- (f) Ensure that entries are made into the appropriate missing person networks, including LEIN, NCIC and CJIS:
- 1. Immediately, when the missing person is at risk (MCL 28.258).
  - 2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.
- (g) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.
- (h) Collect and/or review:
- 1. A photograph and fingerprint card of the missing person, if available.
  - 2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
  - 3. Any documents that may assist in the investigation, such as court orders regarding custody.
  - 4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (i) When circumstances permit and if appropriate, attempt to determine the missing person's location through the missing person's telecommunications carrier.
- (j) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Missing Persons*

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When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

- (k) In the case of an at-risk missing person who qualifies for a Mozelle Alert, forward the report information to (MCL 28.715) :
  1. Law enforcement agencies in the jurisdiction where the person resides and where the person was last seen.
  2. Any law enforcement agency that requests a copy of the report.
  3. Broadcasters in the area where the missing senior or vulnerable adult may be located. Information may also be forwarded to local newspapers distributed in the area where the person may be located.

#### 316.5.1 MISSING JUVENILE PROCEDURES

Members should use the following procedures when investigating missing juvenile complainants:

- (a) Members should conduct a thorough search of the immediate area, including:
  1. The home and grounds of the missing juvenile. A search of the home should be conducted even if the missing juvenile was last seen elsewhere.
  2. All houses, grounds, buildings, pools, and other property in the area, as reasonable and practicable.
  3. Any items in the immediate area including trunks, suitcases, refrigerators, and motor vehicles.
  4. The use of a canine may be helpful to aid in the search (see the Canines Policy for additional guidance).
- (b) A supervisor shall be notified if the complainant believes the juvenile has been abducted or is endangered.
- (c) If a juvenile is believed to be abducted and the incident just occurred, a supervisor may request additional resources to assist with:
  1. The perimeter.
  2. The search.
  3. Use of a canine.
  4. Checking possible suspect residents.
- (d) An AMBER Alert may be used when the activation criteria is met (see the Public Alerts Policy for additional guidance).

#### 316.5.2 RESOURCE CONSIDERATIONS

Members should consider additional resources to aid in locating a missing person depending on the circumstances and known information. Resources may include:

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Missing Persons*

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- (a) Use of canines, the missing person's last known location, and an area search. Members should make efforts to avoid contaminating search areas if canine support is used.
- (b) Invoke immediate inter- and intra-agency mutual aid assistance.
- (c) Aid from the local fire department when conducting area searches.
- (d) Aerial support in the form of aircraft or unmanned aircraft.

#### **316.6 REPORT PROCEDURES AND ROUTING**

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

[Procedure Manual: 316.2 Missing Person/Runaway Documentation Form](#)

##### **316.6.1 SUPERVISOR RESPONSIBILITIES**

The responsibilities of the supervisor shall include but are not limited to:

- (a) Reviewing and approving missing person reports upon receipt.
  - 1. The reports should be promptly sent to the Central Records Division.
- (b) Responding to the missing person's location when circumstances require.
- (c) Ensuring resources are deployed as appropriate.
- (d) Initiating a command post as needed.
- (e) Coordinating a search.
- (f) Ensuring applicable notifications and public alerts are made and documented.
- (g) Ensuring that records have been entered into the appropriate missing person networks.
- (h) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.
  - 1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

##### **316.6.2 CENTRAL RECORDS DIVISION RESPONSIBILITIES**

The responsibilities of the Central Records Division receiving member shall include but are not limited to:

- (a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.
- (b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.
- (c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.
- (d) Forwarding a copy of the report to the Detective Bureau.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Missing Persons*

---

- (e) Coordinating with the NCIC Terminal Contractor for Michigan to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

#### **316.7 DETECTIVE BUREAU FOLLOW-UP**

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- (a) Shall ensure that the missing person's school is notified within 14 days if the missing person is a child (MCL 28.258).
  1. The notice shall be in writing and should also include a photograph.
  2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information, if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Should recontact the reporting party and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update LEIN, NCIC, MMCIC (if a child) and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (g) Should make appropriate inquiry with the Medical Examiner.
- (h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples, as applicable.
  1. If a missing person is not found within 30 days, the assigned investigator shall seek the dental records which shall be entered into NCIC, NamUs, and, if the individual is a child, MMCIC (MCL 28.258; MCL 333.2844a).
- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to MMCIC and enter the photograph into applicable missing person networks (34 USC § 41308).
- (j) Should consider making appropriate entries and searches in the NamUs.
- (k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Missing Persons*

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- (l) Shall report new or updated information to the law enforcement agency in the area where the missing child may be located (MCL 28.259).

#### **316.8 WHEN A MISSING PERSON IS FOUND**

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies, and refer the case for additional investigation if warranted.

The Records Supervisor should ensure that, upon receipt of information that a missing person has been located, the following occurs:

- (a) Notification is made to MMCIC if the person is a child.
- (b) The missing child's school is notified.
- (c) Entries or cancellations are made in the applicable missing person networks, including LEIN (MCL 28.259).
- (d) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation (Mich. Admin. Code, R 28.5402).

#### **316.8.1 UNIDENTIFIED PERSONS**

Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description and any other information that would assist with identification into the NCIC Unidentified Person File, NamUs, and, if a child, MMCIC (MCL 28.258).
- (c) Use available resources, such as those related to missing persons, to identify the person.

#### **316.9 CASE CLOSURE**

The Detective Bureau supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.
- (b) If the missing person is a resident of Traverse City or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Missing Persons*

---

- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

#### **316.10 TRAINING**

Subject to available resources, the Training Manager should ensure that members of this department whose duties include missing person investigations and reports receive training that includes:

- (a) The initial investigation:
  1. Assessments and interviews
  2. Use of current resources, such as Mobile Audio/Video (MAV)
  3. Confirming missing status and custody status of minors
  4. Evaluating the need for a heightened response
  5. Identifying the zone of safety based on chronological age and developmental stage
- (b) Briefing of department members at the scene.
- (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile, catastrophe).
- (d) Verifying the accuracy of all descriptive information.
- (e) Initiating a neighborhood investigation.
- (f) Investigating any relevant recent family dynamics.
- (g) Addressing conflicting information.
- (h) Key investigative and coordination steps.
- (i) Managing a missing person case.
- (j) Additional resources and specialized services.
- (k) Update procedures for case information and descriptions.
- (l) Preserving scenes.
- (m) Internet and technology issues (e.g., internet use, cell phone use).
- (n) Media relations.

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## Public Alerts

### 317.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

### 317.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), CodeRED Alert System, Integrated Public Alert Warning System (IPAWS), local radio, television and press organizations, social media, and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

### 317.3 RESPONSIBILITIES

#### 317.3.1 MEMBER RESPONSIBILITIES

Members of the Traverse City Police Department should notify their supervisors, Shift Commander or Detective Bureau supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and the public could assist in locating a missing person, apprehending a dangerous person or gathering information.

#### 317.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible for making the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Division Commander and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for:

- (a) Updating alerts.
- (b) Canceling alerts.
- (c) Ensuring all appropriate reports are completed.
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander.

### 317.4 AMBER ALERTS™

AMBER Alerts™ are used to provide a statewide system for the rapid dissemination of information regarding abducted children (MCL 28.752; MCL 28.753).

#### 317.4.1 CRITERIA

An AMBER Alert™ is appropriate when a child under 18 years has been abducted and there is sufficient information available to disseminate to the general public, which could assist with the safe recovery of the missing person.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Public Alerts*

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##### 317.4.2 PROCEDURE

An AMBER Alert™ may be requested by contacting the Michigan State Police and following their protocol.

In order to complete the AMBER Alert™, an officer must obtain as much information as possible regarding the missing. This includes: age, sex, race, height, weight, eye and hair color, clothing the missing was last seen wearing and any scars, marks or tattoos.

An officer shall ask the reporting person for information on possible abductors, vehicle description, and direction the child may be headed or any other suspicious circumstances.

The officer shall also ask the missing child's parent/guardian for their consent to use the missing child's name in the AMBER Alert™ broadcast. This shall be marked on the AMBER Alert™ Request. If the parent/guardian consents to the child's name being broadcast by the media, the officer will indicate "Yes" on the AMBER Alert™ Request.

- (a) If the child's name is being released to the media, the missing child must be entered into LEIN/NCIC.
- (b) If the parent/guardian does not give consent for the child's name being broadcast by the media, the officer will indicate "No" on the AMBER Alert™ Request. The AMBER Alert™ is still activated, however the child's name is not released to the media.

When all of the information has been obtained, an AMBER Alert™ activation must be completed by calling the Michigan State Police Operations Center at 1.517.241.8000. All updates and cancelations must be submitted by calling the Michigan State Police Operations Center.

If requesting activation of AMBER Alert™ outside the geographic boundaries of Michigan, it must be submitted through the Michigan State Police Intelligence Operations Center (MIOC). MIOC can be contacted by calling 1.800.525.5555. The Michigan State Police will contact the coordinating agency within that jurisdiction, requesting the activation of their AMBER Alert™ on behalf of the Traverse City Police Department.

##### **317.5 BLUE ALERTS**

Blue Alerts are used to provide a statewide system for the rapid dissemination of information regarding a violent criminal who has seriously injured or killed a local, state or federal law enforcement officer.

##### 317.5.1 CRITERIA

The following criteria are used to determine if a Blue Alert should be issued (MCL 28.697):

- (a) A law enforcement officer has been killed or seriously injured and the investigation performed by this department has information identifying a suspect.
- (b) This department has determined that the suspect poses a serious risk or threat to the public and other law enforcement personnel.
- (c) A detailed physical description of the suspect, or the suspect's vehicle, vehicle registration plate numbers or letters, or registration plate numbers or letters, are available for broadcast to the public.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Public Alerts*

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- (d) This department has jurisdiction and recommends issuing the Blue Alert.

#### 317.5.2 PROCEDURE

Members requesting a Blue Alert should contact the Michigan State Police and follow their protocol (MCL 28.697).

#### **317.6 ADULT ALERTS**

Adult alerts are used to provide a statewide system for the rapid dissemination of information regarding a missing senior or vulnerable adult.

##### 317.6.1 CRITERIA

The criteria for adult alerts are that the missing person is a resident of Michigan and is (MCL 28.712):

- (a) At least 18 years of age and one of the following:
  1. Requires supervision or personal care because of age, developmental or physical disability or mental illness.
  2. Lacks the personal and social skills required to live independently.
- (b) A resident of an adult foster care family home or an adult foster care small group home.
- (c) At least 18 years of age and suspected of being abused, neglected or exploited.
- (d) Believed to be to be incapable of returning to his/her residence without assistance and is 60 years of age or older.
- (e) Suffering from senility or a medical/mental condition, and is endangered or is a danger to others.

##### 317.6.2 PROCEDURE

The following is the procedure for initiating an adult alert. The officer shall (MCL 28.715):

- (a) Consider posting on a local alert system such as CodeRED.
- (b) Contact at least one broadcaster in the area where the missing person disappeared, request that the public be notified of the facts and circumstances surrounding the disappearance and request the public's assistance.
- (c) Consider contacting a local newspaper and request that an article be published concerning the disappearance.

#### **317.7 PUBLIC THREAT ALERTS**

The public threat alert system plan is designed to rapidly disseminate useful information in a predetermined manner to radio and televisions stations within Michigan and to wireless devices (MCL 28.673).

##### 317.7.1 CRITERIA

A public threat is a clear, present, persistent, ongoing, and random threat to public safety. A public threat includes, but is not limited to (MCL 28.672):

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Public Alerts*

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- (a) An act of terrorism.
- (b) An unresolved mass shooting spree.

#### 317.7.2 PROCEDURE

A public threat alert may be requested by contacting the Michigan State Police and following their protocol (MCL 28.673).

#### **317.8 OTHER ALERTS**

Other alerts are used to provide local or statewide notification for rapid dissemination of information regarding other circumstances not previously addressed in this policy and are at the discretion of the Chief of Police or designee.

## Victim and Witness Assistance

### 318.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

### 318.2 POLICY

The Traverse City Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Traverse City Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

### 318.3 CRIME VICTIM LIAISON

The Investigative Services Division Commander will serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Traverse City Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

#### 318.3.1 CRIME VICTIM LIAISON DUTIES

The crime victim liaison shall ensure that:

- (a) Procedures are in place to accommodate requests for information from sexual assault victims (MCL 752.954 et seq.).
- (b) Notice is provided to victims, within 24 hours of a defendant's arraignment, of the availability of pretrial release of the defendant and the contact information for the holding facility (MCL 780.755).
- (c) Immediately, or as soon as practicable, notify the prosecuting attorney if a defendant escapes from the custody of this department (MCL 780.770).

### 318.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

#### 318.4.1 SPECIFIC REQUIREMENTS REGARDING VICTIMS

Investigating officers shall ensure victims receive applicable handouts within 24 hours of their initial contact with the victim when statutorily required (MCL 752.953; MCL 780.753; MCL 780.782; MCL 780.813; MCL 780.755).

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Victim and Witness Assistance*

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#### **318.5 VICTIM INFORMATION**

The Office of the Chief of Police shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims including domestic violence and sexual assault victims (MCL 764.15c; MCL 752.953).
- (b) The written notice to victims of domestic violence as required by MCL 764.15c including contact information for the Traverse City Police Department.
- (c) Availability of emergency and medical services, if applicable (MCL 780.753; MCL 780.782; MCL 780.813).
- (d) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; MCL 752.953).
- (e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (f) A clear explanation of relevant court orders and how they can be obtained.
- (g) Information regarding available compensation for qualifying victims of crime.
- (h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (i) Notice regarding U visa and T visa application processes.
- (j) Resources available for victims of identity theft.
- (k) A place for the officer's name, badge number and any applicable case or incident number.
- (l) Contact information for the prosecuting attorney who coordinates victim's rights in the jurisdiction of the Traverse City Police Department (MCL 780.753; MCL 780.782; MCL 780.813).
- (m) Information required under the William Van Regenmorter Crime Victim's Rights Act (MCL 780.751 et seq.).
- (n) The rights of crime victims provided under Const 1963, art 1, § 24.

[See attachment: Victim Assistance Program Pamphlet - English.pdf](#)

[See attachment: Victim Assistance Program Pamphlet - Spanish.pdf](#)

#### **318.6 WITNESSES**

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

# Traverse City Police Department

TCPD Policy Manual

TCPD Policy Manual

## *Victim and Witness Assistance*

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Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.



# Hate Crimes

## 319.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

### 319.1.1 DEFINITIONS

Definitions related to this policy include:

**Hate crime** - A crime motivated by prejudice based on actual or perceived race, color, religion, national origin, ethnicity, gender, sexual orientation, gender identity or expression, or disability of the victim.

## 319.2 POLICY

The Traverse City Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the state and federal constitution and incorporated in state and federal law.

## 319.3 PREVENTION AND PREPARATION

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by:

- (a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes, and forming networks that address prevention and response.
- (b) Providing victim assistance and community follow-up or identifying available resources to do so.
- (c) Educating community and civic groups about hate crime laws.

## 319.4 INVESTIGATIONS

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

- (a) Assigned officers should promptly contact the victim, witness or reporting party to investigate the matter further, as circumstances may dictate.
- (b) A supervisor should be notified of the circumstances as soon as practicable.
- (c) Once the in-progress aspect of any such situation has been stabilized (e.g., treatment of victims or arrest of suspects at the scene), the assigned officers should take reasonable steps to preserve evidence that establishes a possible hate crime.
- (d) Based upon available information, officers should take appropriate action to mitigate further injury or damage to potential victims or the community.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Hate Crimes*

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- (e) Depending on the situation, the assigned officers or supervisor may request assistance from investigators or other resources.
- (f) The assigned officers should interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.
- (g) The assigned officers should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim and Witness Assistance Policy.
- (h) The assigned officers should include all available evidence indicating the likelihood of a hate crime in the relevant reports. All related reports should be clearly marked "Hate Crime."
- (i) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid and obtaining a personal protective order through the courts.

#### **319.4.1 DETECTIVE BUREAU RESPONSIBILITIES**

If a hate crime case is assigned to the Detective Bureau, the assigned investigator will be responsible for:

- (a) Coordinating further investigation with the Prosecuting Attorney's Office and other appropriate law enforcement agencies.
- (b) Maintaining contact with the victim and other involved individuals, as needed.
- (c) Maintaining statistical data and tracking of suspected hate crimes, as indicated or required by state law.

#### **319.5 TRAINING**

All members of this department should receive training on hate crime recognition and investigation.

#### **319.6 ANNUAL REPORT**

The Investigative Services Division Commander should complete an annual report to the Chief of Police concerning hate crime investigations and policy review.

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## Standards of Conduct

### 320.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Traverse City Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

### 320.2 POLICY

The continued employment or appointment of every member of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

### 320.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

#### 320.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Standards of Conduct*

---

##### **320.3.2 SUPERVISOR RESPONSIBILITIES**

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

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiescing to such a violation or exhibiting indifference to such a violation.
- (d) Exercising unequal or disparate authority toward any member for malicious or other improper purpose.

##### **320.4 GENERAL STANDARDS**

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Michigan constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

##### **320.5 CAUSES FOR DISCIPLINE**

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

###### **320.5.1 LAWS, RULES AND ORDERS**

- (a) Violation of, or ordering or instructing a subordinate to violate, any policy, procedure, rule, order, directive or requirement, or failure to follow instructions contained in department or City manuals.
- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

###### **320.5.2 ETHICS**

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Standards of Conduct*

---

- (a) Using or disclosing one's status as a member of the Traverse City Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

#### 320.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

#### 320.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- (e) Associating on a personal, rather than official, basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Standards of Conduct*

---

##### 320.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

##### 320.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

##### 320.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.
- (f) Failure to notify the Department of Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Standards of Conduct*

---

##### 320.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any workrelated investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive, or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
- (c) Failure to participate in investigations, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
  - 1. While on department premises.
  - 2. At any work site, while on duty or while in uniform, or while using any department equipment or system.
  - 3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
  - 1. Unauthorized attendance while on duty at official legislative or political sessions.
  - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on duty or on department property except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.
- (i) Any act on- or off-duty that brings discredit to this department.

##### 320.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Standards of Conduct*

---

- enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
  - (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
  - (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
  - (e) Engaging in horseplay that reasonably could result in injury or property damage.
  - (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.
  - (g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.
  - (h) Criminal, dishonest or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
  - (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
  - (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
  - (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement or contract, including fraud in securing the appointment or hire.
  - (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.
  - (m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

#### 320.5.10 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling including loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (e) Carrying, while on the premises of the work site, any firearm or other lethal weapon that is not authorized by the member's appointing authority.



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Standards of Conduct*

---

- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic accident.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

#### 320.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

# Information Technology Use

## 321.1 PURPOSE AND SCOPE

### 321.1.1 DEFINITIONS

Definitions related to this policy include:

**Computer system** - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Traverse City Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

**Hardware** - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones (including cellular and satellite), pagers, modems or any other tangible computer device generally understood to comprise hardware.

**Software** - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

**Temporary file, permanent file or file** - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

## 321.2 POLICY

It is the policy of the Traverse City Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

Traverse City Police Department contracts the services of the Grand Traverse County Information Technology (IT) Department for all services related to information technology to include hardware and software.

## 321.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any department computer system.

The Department reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network and/or any information placed into storage on any department system or device. This includes records of all key strokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Information Technology Use*

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Unless required by federal or state law, the Department shall not require a member to disclose a personal username or password or access a personal social website, except when access is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (MCL 37.271. et seq.)

#### **321.4 RESTRICTED USE**

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Shift Commanders.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

##### **321.4.1 SOFTWARE**

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes, in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software on any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as a part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software. Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

##### **321.4.2 HARDWARE**

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Information Technology Use*

---

##### **321.4.3 INTERNET USE**

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms, and similar or related Internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information from the Internet shall be limited to messages, mail and data files.

##### **321.4.4 OFF-DUTY USE**

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other off-the-clock work-related activities. This also applies to personally owned computers that are used to access department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

##### **321.5 PROTECTION OF SYSTEMS AND FILES**

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

##### **321.6 INSPECTION AND REVIEW**

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Information Technology Use*

---

involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

#### **321.7 DATA BACKUP AND STORAGE**

Grand Traverse County IT Department is responsible for administering, maintaining data, backup, and storage. Traverse City Police Department files and data are stored on secured servers within the server room of the Grand Traverse County IT Department. The server room is restricted to authorized personnel only.

## Department Use of Social Media

### 322.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

#### 322.1.1 DEFINITIONS

Definitions related to this policy include:

**Social media** - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services.

### 322.2 POLICY

The Traverse City Police Department will use social media as a method of effectively informing the public about department services, issues, investigations, recruitment and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all people.

### 322.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command.

### 322.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and that conforms to all department policies regarding the release of information may be posted.

Examples of appropriate content include:

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Department Use of Social Media*

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- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the department mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
- (f) Traffic information.
- (g) Media releases.
- (h) Recruitment of personnel.

#### 322.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

#### 322.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Traverse City Police Department or its members.
- (e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

#### 322.5.1 PUBLIC POSTING PROHIBITED

Department social media sites shall be designed and maintained to prevent posting of content by the public.

The Department may provide a method for members of the public to contact department members directly.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Department Use of Social Media*

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##### **322.6 MONITORING CONTENT**

The Chief of Police will appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

##### **322.7 RETENTION OF RECORDS**

The Office of the Chief of Police Division Commander should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

##### **322.8 TRAINING**

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.



## Report Preparation

### 323.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to those members of the Department who complete investigations and reports as a part of their duties.

### 323.2 POLICY

It is the policy of the Traverse City Police Department that members shall act with promptness and efficiency in the preparation and processing of all reports. Reports shall document sufficient information to refresh the member's memory and shall provide enough detail for follow-up investigation and successful prosecution.

### 323.3 EXPEDITIOUS REPORTING

Incomplete reports, unorganized reports or reports that are delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or to a special priority made necessary under exceptional circumstances.

### 323.4 REPORT PREPARATION

Reports should be sufficiently detailed for their purpose and free from errors prior to submission and approval. It is the responsibility of the member to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads or arrest reports where the suspect remains in custody should not be held.

All reports shall accurately reflect the identity of the persons involved; all pertinent information seen, heard or assimilated by any other sense; and any actions taken. Members shall not suppress, conceal or distort the facts of any reported incident, nor shall any member make a false report orally or in writing. Generally, the reporting member's opinions should not be included in reports unless specifically identified as such.

#### 323.4.1 HANDWRITTEN OR DIGITAL REPORTS

County, state and federal agency forms may be block printed unless the requirement for digital completion is apparent. Supervisors may require block printing or digital completion of reports of any nature for department consistency.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting member will be required by the reviewing supervisor to promptly make corrections and resubmit the report.

In general, the narrative portion of reports where an arrest is made or when there is a long narrative should be dictated or digitally completed. Members who dictate reports shall use appropriate grammar, as the content is not the responsibility of the typist.

### 323.5 REQUIRED REPORTING

In all of the following situations, members shall complete reports using the appropriate department-approved forms and reporting methods, unless otherwise approved by a supervisor.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Report Preparation*

---

The reporting requirements are not intended to be all-inclusive. A member may complete a report if he/she deems it necessary or as directed by a supervisor.

##### 323.5.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a written report includes:

- (a) All arrests.
- (b) All felony crimes.
- (c) Non-felony criminal incidents involving threats or stalking behavior.
- (d) Situations covered by separate policy. These include:
  - 1. Use of Force Policy
  - 2. Domestic Violence Policy
  - 3. Child Abuse Policy
  - 4. Adult Abuse Policy
  - 5. Hate Crimes Policy
  - 6. Suspicious Activity Reporting Policy
- (e) All misdemeanor crimes where the victim desires a report.

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved alternative reporting method (e.g., a dispatch log).

##### 323.5.2 NON-CRIMINAL ACTIVITY

Non-criminal activity to be documented includes:

- (a) Any found property or found evidence.
- (b) All protective custody and welfare detentions.
- (c) Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy).
- (d) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.
- (e) Suspicious incidents that may place the public or others at risk.
- (f) Any use of force by members of this department against any person (see the Use of Force Policy).
- (g) Any firearm discharge (see the Firearms Policy).
- (h) Any time a member points a firearm at any person.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Report Preparation*

---

- (i) Any traffic accidents above the minimum reporting level (see the Traffic Accidents Policy).
- (j) Whenever the member believes the circumstances should be documented or at the direction of a supervisor.

#### **323.5.3 MISCELLANEOUS INJURIES**

Any injury that is reported to this department shall require a report when:

- (a) The injury is a result of drug overdose.
- (b) There is an attempted suicide.
- (c) The injury is major or serious, and potentially fatal.
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to document the event.

#### **323.5.4 DEATHS**

Death investigations require specific investigation methods, depending on the circumstances. They should be handled in accordance with the Death Investigation Policy. The handling member should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following incidents shall be appropriately investigated and documented:

- (a) Unattended deaths (no physician or qualified hospice care during the period preceding death)
- (b) Sudden, accidental or suspicious deaths
- (c) Suicides
- (d) Homicide or suspected homicide
- (e) Found dead bodies or body parts

#### **323.5.5 CITY PERSONNEL OR PROPERTY**

Incidents involving City personnel or property shall require a report when:

- (a) An injury occurs as the result of an act of a City employee or on City property.
- (b) There is damage to City property or equipment.

#### **323.6 ALTERNATIVE REPORTING FOR VICTIMS**

Reports that may be submitted by the public via online or other self-completed reporting processes include:

- (a) Lost property.
- (b) Misdemeanor thefts of property, other than firearms or materials threatening to public safety, when there is no suspect information or serial number or ability to trace the item.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Report Preparation*

---

1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number.
  - (c) Misdemeanor vandalism with no suspect information and no hate crime implications.
  - (d) Vehicle burglaries with no suspect information or evidence.
  - (e) Stolen vehicle attempts with no suspect information or evidence.
  - (f) Annoying telephone calls with no suspect information.
  - (g) Identity theft without an identifiable suspect.
  - (h) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.
  - (i) Hit-and-run vehicle accidents with no suspect or suspect vehicle.
  - (j) Supplemental property lists.

Members at the scene of one of the above incidents should not refer the reporting party to any alternative means of reporting without authorization from a supervisor. Members may refer victims to online victim assistance programs (e.g., the Federal Communications Commission (FCC) website for identity theft; the Internet Crime Complaint Center (IC3) website for computer crimes).

[Procedure Manual: 323.2 ALTERNATIVE REPORTING PROCEDURE](#)

#### **323.7 REVIEW AND CORRECTIONS**

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor will meet with the author of the report to discuss changes or supplemental amendments.

It shall be the responsibility of the originating member to ensure that any report returned for correction is processed in a timely manner.

##### **323.7.1 CHANGES AND ALTERATIONS**

Reports that have been approved by a supervisor and submitted to the Central Records Division for filing and distribution shall not be modified or altered except by way of a supplemental report.

Reviewed reports that have not yet been submitted to the Central Records Division may be corrected or modified by the authoring member only with the knowledge and authorization of the reviewing supervisor.

## Media Relations

### 324.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of official department information to the media. It also addresses coordinating media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

### 324.2 POLICY

It is the policy of the Traverse City Police Department to protect the privacy rights of individuals, while releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect investigations will not be released.

### 324.3 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. In situations where the Chief of Police has given prior approval, Division Commanders, Shift Commanders and designated Public Information Officers (PIOs) may prepare and release information to the media in accordance with this policy and applicable laws regarding confidentiality.

If information is released without prior authorization by the Chief of Police, it shall be the responsibility of the releasing official to notify the Office of the Chief of Police concerning the release as soon as possible.

### 324.4 PUBLIC INFORMATION OFFICERS

The Department has established an on call Command Schedule as specified in the Major Incident Notification policy. The Command Officer for that week will also serve as the agency's PIO for press briefings and general press inquiries. In the event of major incidents, the Chief of Police and/or his/her designee may also designate a PIO for that event. In these incidents the media will be notified.

The general function of the Public Information Officers shall include but is not necessarily limited to:

- (a) Conducting daily news briefings
- (b) Assisting news personnel in covering news stories at the scenes of incidents
- (c) Distributing public safety information via social media channels
- (d) Being available for on-call responses to the news media
- (e) Preparing and distributing agency news releases
- (f) Arranging for and assisting at news conferences
- (g) Coordinating the release of information about victims, witnesses, and suspects
- (h) Assisting in crisis situations within the agency
- (i) Coordinating the release of information concerning agency investigations and operations

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Media Relations*

---

- (j) Developing procedures for releasing information when other public service agencies are involved in a mutual effort

#### **324.5 PROVIDING ADVANCE INFORMATION**

To protect the safety and rights of department members and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief of Police will consider, at a minimum, whether the release of information or the presence of the media would unreasonably endanger any individual or prejudice the rights of any person or is otherwise prohibited by law.

#### **324.6 MEDIA REQUESTS**

Any media request for information or access to a law enforcement incident shall be referred to the office of the Chief of Police or, if unavailable, the Patrol Services Division Commander, per the Organizational Structure and Responsibility policy. Prior to releasing any information to the media, members shall consider the following:

- (a) At no time shall any member of this department make any comment or release any official information to the media without prior approval from the office of the Chief of Police
- (b) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
- (c) Under no circumstance should any member of this department make any comment to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police. Under these circumstances the member should direct the media to the agency handling the incident.

#### **324.7 ACCESS**

Authorized media representatives shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities as required by law.

Access by the media is subject to the following conditions:

- (a) The media representative shall produce valid media credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives should be prevented from interfering and may be removed for interfering with emergency operations and criminal investigations.
  - 1. Based upon available resources, reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Media Relations*

---

with emergency or criminal investigation operations. All information released to the media should be coordinated through the PIO or other designated spokesperson.

- (c) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express written consent of the person in custody.
- (d) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved member.

#### **324.7.1 CRITICAL OPERATIONS**

A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a critical incident or tactical operation in order to accommodate the media. All comments to the media shall be coordinated through the supervisor in charge or the PIO.

#### **324.7.2 TEMPORARY FLIGHT RESTRICTIONS**

Whenever the presence of media or other aircraft pose a threat to public or member safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Shift Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

#### **324.8 CONFIDENTIAL OR RESTRICTED INFORMATION**

It shall be the responsibility of the PIO to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

#### **324.8.1 EMPLOYEE INFORMATION**

The identities of officers involved in shootings or other critical incidents may only be released to the media upon the consent of the involved officer or upon a formal request filed.

Any requests for copies of related reports or additional information not contained in the information log (see the Information log section in this policy), including the identity of officers involved in shootings or other critical incidents, shall be referred to the Chief of Police.

Requests should be reviewed and fulfilled by the Freedom of Information Act (FOIA) coordinator, through the Division Commanders and/or the Chief of Police. Such requests will be processed in accordance with the provisions of the Records Maintenance and Release Policy and public records laws (e.g., FOIA).

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Media Relations*

---

#### **324.9 RELEASE OF INFORMATION**

The Department may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the department website or other electronic data sources.

##### **324.9.1 NEWS MEDIA LOG**

The Department will produce a daily media log of law enforcement activities. Media log entries shall only contain information that is deemed public information and not restricted or confidential by this policy or applicable law. The log shall be made available to media representatives through the PIO at morning press briefings.

The media log will generally include the date, time, incident number, and type of crime occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation, or the information is confidential (e.g., juveniles or certain victims).

##### **324.9.2 PRESS BRIEFINGS**

The Department PIO will be responsible for conducting press briefings Monday through Friday at 0900 hours (excluding holidays) at the Law Enforcement Center. A copy of the news media log will be provided for each media outlet in attendance.

During the press briefing the following information may be released:

- (a) The date, time, location, incident number, sex, birth date, city of residence, extent of injury by involved individuals and requested charges for each person arrested by this department, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation or the information is confidential (e.g., juveniles)
- (b) The facts regarding an incident that may include:
  - 1. a basic description of the incident
  - 2. how the incident came to police attention
  - 3. what time the police responded to the call
  - 4. how many officers are currently assigned to the call
  - 5. the number of suspects and victims involved in the incident
- (c) Adult suspects charged with a crime:
  - 1. suspect's name, age, gender, race and city of residence
  - 2. charge filed by the prosecutor
  - 3. arresting/investigating unit
  - 4. circumstances of the arrest



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Media Relations*

---

- (d) Adult suspects who have been arrested or cited but not charged with a crime:
  - 1. suspect's age, gender, race and city of residence
  - 2. alleged offense
  - 3. arresting/investigating unit
  - 4. circumstances of the arrest
- (e) Medical condition of a suspect/victim:
  - 1. Readily observed information regarding medical conditions may be released. Detailed medical information, diagnosis or prognosis will not be released.
- (f) Deceased persons:
  - 1. Only the age, gender, race and city of residence of the deceased person may be released prior to family notification.
- (g) The time and location of other significant law enforcement activities, operations, community events or requests for service with a brief summary of the incident/activity.

During the press briefing the following information will not be released without authorization by the Chief of Police:

- (a) Statements about a suspect or defendant's:
  - 1. Character, criminal record, or reputation in the community
  - 2. Guilt, innocence or possible outcome of pending legal proceedings
  - 3. The existence or content of any admission, confession or alibi
- (b) Statements or opinions regarding a defendant's willingness or refusal to make a statement
- (c) The results of evidentiary examinations or forensic tests involving a pending case
- (d) The anticipated testimony or credibility of any prospective victim or witness
- (e) Statements or opinions concerning evidence or legal arguments to be used in a pending case
- (f) Information regarding bombings, bomb threats, kidnappings or kidnapping threats unless authorized by the Chief of Police
- (g) Any information disclosing the identity of a confidential source
- (h) Identification information related to the victim of a sexual assault
- (i) Any information concerning an open case that may jeopardize the investigation of the incident

#### 324.9.3 PRESS CONFERENCES

The Chief of Police or his/her designee may conduct press conferences at his/her discretion for major incidents and/or significantly news worthy events. Local media outlets will be notified of press conferences with as much advance notice as possible.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Media Relations*

---

##### 324.9.4 PRESS RELEASES

PIO's, Division Commanders, and the Chief of Police may prepare press releases on an as-needed basis. The Chief of Police shall approve all press releases prior to release. Press releases may be posted publicly through the department's website, social media accounts, as well as emailed to media outlets on the Department's media contact list. Legitimate media sources will be afforded the opportunity to be on the outlet list through written request.

##### 324.9.5 BOOKING PHOTOS

Booking photos of arrested individuals are obtained through the Grand Traverse County Correctional Facility upon authorization by the Traverse City Police Department.

- (a) Booking photos of arrested individuals may generally be released after arraignment.
- (b) Booking photos or an investigative file photo of a suspect wanted for a serious crime, may be released to the media if It will assist in the capture of the suspect or warn the public if the suspect is a danger to the community.

## Subpoenas and Court Appearances

### 325.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Traverse City Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

### 325.2 POLICY

Traverse City Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

### 325.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so.

#### 325.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf or at the request of any party other than the City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Traverse City Police Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Traverse City Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

#### 325.3.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current collective bargaining agreement.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Subpoenas and Court Appearances*

---

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

#### **325.3.3 OFF-DUTY RELATED SUBPOENAS**

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

#### **325.4 FAILURE TO APPEAR**

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency. Members failing to comply shall notify their immediate supervisor of the date, time, type of appearance and the reason they did not appear. The notification shall be by departmental memorandum and within 24 hours of learning of the missed appearance.

#### **325.5 STANDBY**

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

#### **325.6 COURTROOM PROTOCOL**

When appearing in court, members shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Circuit, District, and Probate court appearances as well as Civil Depositions require dress in the department Class A uniform of the day. Personnel in plain clothes assignments shall wear business professional attire. During informal and administrative hearings the department uniform of the day or shall be worn. The classroom training uniform as specified in the Uniforms and Civilian Attire policy (department polo) is allowed for officers responding from off duty status.
- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

#### **325.6.1 TESTIMONY**

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

#### **325.7 OVERTIME APPEARANCES**

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current collective bargaining agreement.

## Seasonal Officers

### 326.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Traverse City Police Department seasonal officers to supplement and assist regular full-time police officers in their duties. These officers provide professional and special functions and seasonal services that can augment regular staffing levels.

#### 326.1.1 DEFINITIONS

Definitions related to this policy include:

**Seasonal officer** - A person who is employed on a seasonal basis or less than a full year annually and is certified as a peace officer by the Michigan Commission on Law Enforcement Standards (MCOLES).

### 326.2 POLICY

The Traverse City Police Department shall ensure that seasonal officers are properly appointed, trained and supervised and that they maintain the appropriate certifications and readiness to carry out their assigned duties.

### 326.3 RECRUITMENT AND SELECTION

The Traverse City Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass the same pre-employment procedures as regular full-time police officers before appointment.

#### 326.3.1 APPOINTMENT

Applicants who are selected for appointment as a seasonal officer shall, on the recommendation of the Chief of Police, be sworn in and take the Oath of Office in accordance with the Oath of Office Policy and as required for the position.

Seasonal officers are considered at-will employees and may be dismissed at the discretion of the Chief of Police, with or without cause. Seasonal officers shall have no property interest in continued appointment. However, if a seasonal officer is removed for alleged misconduct, the seasonal officer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

### 326.4 IDENTIFICATION AND UNIFORMS

Seasonal officers will be issued Traverse City Police Department uniforms, badges and identification cards. The uniforms and badges shall be the same Class C uniform as those worn by regular full-time police officers. The identification cards will be the standard Traverse City Police Department identification cards, with the exception that "Seasonal" will be indicated on the cards.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Seasonal Officers*

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#### **326.5 AUTHORITY**

Seasonal officers shall perform peace officer duties within the scope of their approved training (MCL 28.609). Seasonal officers:

- (a) Perform law enforcement functions and have the authority to arrest on behalf of this department (MCL 764.15).
- (b) Shall not exercise peace officer duties when off-duty.

#### **326.6 COMPENSATION**

Compensation for Seasonal officers is provided as follows:

- (a) Seasonal officers shall be compensated as prescribed by the ordinances of the City of Traverse City.
- (b) Seasonal officers are issued two sets of uniforms and all designated attire and safety equipment, as applicable to their positions. All property issued to seasonal officers shall be returned to this department upon termination or resignation.

#### **326.7 COMPLIANCE**

Seasonal officers shall be required to adhere to all department policies and procedures. A copy of the policies and procedures will be made available to each seasonal officer upon appointment. The officers shall become thoroughly familiar with these policies.

Whenever a rule, regulation or guideline in this Policy Manual refers to a regular full-time police officer, it shall also apply to a seasonal officer, unless by its nature it is inapplicable.

Seasonal officers are required by this department to meet department-approved training requirements.

All seasonal officers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the seasonal officer coordinator.

#### **326.8 FIREARMS**

Seasonal officers shall successfully complete department-authorized training in the use of firearms. Their appointments must be approved by the City prior to being issued firearms by this department or otherwise acting as seasonal officers on behalf of the Traverse City Police Department.

Seasonal officers will be issued duty firearms as specified in the Firearms Policy. Any seasonal officer who is permitted to carry a firearm other than the assigned duty weapon or any optional firearm may do so only in compliance with the Firearms Policy.

Seasonal officers are required to maintain proficiency with firearms used in the course of their assignments. Seasonal officers shall comply with all training and qualification requirements set forth in the Firearms Policy.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Seasonal Officers*

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##### **326.8.1 CONCEALED FIREARMS**

A seasonal officer shall not carry a concealed firearm while in an off-duty capacity, other than to and from work, unless he/she possesses a valid concealed weapon license.

An instance may arise where a seasonal officer is assigned to a plain clothes detail for his/her assigned tour of duty. Under these circumstances, the seasonal officer may be permitted to carry a weapon more suited to the assignment, but only with the knowledge and approval of the supervisor in charge of the detail.

Any seasonal officer who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to department standards. The weapon shall comply with all the requirements set forth in the Firearms Policy.

Before being allowed to carry any optional firearm during an assigned tour of duty, the seasonal officer shall demonstrate his/her proficiency with the weapon.

##### **326.9 SEASONAL OFFICER COORDINATOR**

The Chief of Police shall delegate certain responsibilities to a seasonal officer coordinator. The coordinator shall be appointed by and directly responsible to the Patrol Services Division Lieutenant or the authorized designee.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

- (a) Assigning seasonal officers.
- (b) Conducting seasonal officer meetings.
- (c) Establishing and maintaining a seasonal officer callout roster.
- (d) Maintaining and ensuring performance evaluations are completed.
- (e) Monitoring the field training progress of seasonal officers.
- (f) Monitoring individual seasonal officer performance.
- (g) Monitoring overall seasonal officer activities.
- (h) Maintaining a liaison with other agency seasonal officer coordinators.

##### **326.10 FIELD TRAINING**

All seasonal officers shall complete department specified field training as described in the Field Training Policy.

##### **326.11 SUPERVISION**

Seasonal officers may perform the same duties as regular full-time officers of this department provided they are under the direct or indirect supervision of a supervisor or officer in charge. Seasonal officers should not supervise a regular full-time officer.

##### **326.11.1 EVALUATIONS**

While in training, seasonal officers should be continuously evaluated using standardized daily and weekly observation reports. The seasonal officer will be considered a trainee until he/she has

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Seasonal Officers*

---

satisfactorily completed training. Seasonal officers who have completed their field training should be evaluated as specified in the Performance Evaluation policy using performance dimensions applicable to the duties and authorities granted to that seasonal officer.

#### 326.11.2 INVESTIGATIONS AND COMPLAINTS

If a seasonal officer has a personnel complaint made against him/her or becomes involved in an internal investigation, the matter shall be investigated in compliance with the Personnel Complaints Policy.



## Reserve Officers

### 327.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Traverse City Police Department reserve officers to supplement and assist department personnel in their duties.

#### 327.1.1 DEFINITIONS

Definitions related to this policy include:

**Reserve Officer** - A person who has been appointed by the Chief of Police to serve the Traverse City Police Department on an irregular/volunteer basis.

#### 327.1.2 CITY OF TRAVERSE CITY ORDINANCE

The codified ordinances of the City of Traverse City establish the authority of the Chief of Police to appoint police reserve officers in such numbers as he or she may deem necessary to assist the regular members of the police department in the prevention of crime, the apprehension of criminals, the protection of life and property and the preservation of peace and order.

### 327.2 POLICY

The Traverse City Police Department shall ensure that reserve officers are properly appointed, trained, supervised and that they maintain the appropriate certifications and readiness to carry out their assigned duties.

### 327.3 DUTIES AND RESPONSIBILITIES

Reserve officers assist regular certified police officers in a civilian capacity. Reserve officers of the Traverse City Police Department are unpaid and at will volunteer civilians who serve at the pleasure of management; they are not required to take an oath of office. Reserve officers are not responsible for the prevention and detection of crime and the enforcement of criminal laws and have no police powers.

#### 327.3.1 DETAILS

The reserve officer program coordinator shall distribute a schedule of all upcoming details to members of the reserve unit on a monthly basis. It is the responsibility of the member to make sure that he or she receives a schedule each month. If a member does not receive a schedule he or she should notify their sergeant. Details are normally scheduled one (1) month ahead of time but may be scheduled at any time. Members are expected to be at all assigned details on time and in the proper uniform. If an assigned member cannot serve at an assigned detail for some reason it is the member's responsibility to find a replacement. If the replacement does not show up for the detail the member originally scheduled for the detail will be held accountable. Any member who does not show up for a detail and who does not notify his/her sergeant will be marked as a no-show. He/she may be subject to discipline, up to and including separation from the reserve unit.

- (a) Ride-alongs: Members of the reserve unit in good standing are allowed to ride with regular full time Traverse City Police Department officers at the discretion

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Reserve Officers*

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of the shift commander. Reserve officers must make prior arrangements with the shift commander before showing up for the shift. Shift commanders are directed to cooperate with reserve officers in the scheduling of ride-alongs.

- (b) Other law enforcement agencies: Reserve officers may not participate in rides with any other police agency while wearing the Traverse City Police Department uniform. This does not prohibit joint or cooperative operations with the Traverse City Police Department and other law enforcement agencies nor does it prohibit the reserve officer from wearing civilian clothing or clothing specified by the other agency. Officers should be aware they are not representing the Traverse City Police Department in these instances and are not afforded any legal authority nor any protection from civil or criminal liability under the umbrella of the Traverse City Police Department or the the City of Traverse City.
- (c) National Cherry Festival Special Consideration: Members of the reserve unit are expected to participate and volunteer for scheduled details during the National Cherry Festival (NCF). Members may not participate in full time officer ride-alongs during this week.

#### **327.4 RECRUITMENT, ELIGIBILITY AND SELECTION**

The Traverse City Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass pre-employment procedures before appointment to include a thorough background investigation.

[Procedure Manual: 327.2 Reserve Officer Recruitment, Eligibility and Selection](#)

##### **327.4.1 APPOINTMENT**

Applicants who are selected for appointment as reserve officers shall, upon determination by the Chief of Police, be assigned as required.

Reserve officers may be dismissed at the discretion of the Chief of Police, with or without cause. Reserve officers shall have no property interest in continued appointment. However, if a reserve officer is removed for alleged misconduct, the reserve officer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

##### **327.4.2 MINIMUM SERVICE**

Upon appointment reserve officers must serve a minimum of 6 (six) details in a calendar year to remain in good standing.

##### **327.4.3 PERSONNEL ALLOTMENT**

The Traverse City Police Reserve Unit will be limited to 40 members not including honorary members.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Reserve Officers*

---

##### **327.4.4 TERM OF MEMBERSHIP**

Members of the Traverse City Police Reserve Unit will be invited to remain members of the Reserve Unit as long as they demonstrate an interest and continue to meet the qualifications for membership.

##### **327.5 PROBATIONARY RESERVE OFFICERS**

New members of the reserve force shall be considered probationary reserve officers for a minimum of two years and until the following criteria has been satisfied:

- (a) Successful completion of the two year block of reserve officer training
- (b) Authorization by the Chief of Police

Once these criteria have been satisfied, members of the unit shall be considered Traverse City Police Department Reserve Officers.

##### **327.6 RESERVE OFFICER PROGRAM COORDINATOR**

The Chief of Police shall delegate certain responsibilities to a reserve officer program coordinator. The program coordinator shall be a certified police officer in a command position and shall be appointed by and directly responsible to the Patrol Services Division Commander or the authorized designee.

The program coordinator will manage the reserve officer program, the reserve officers and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

- (a) Assigning reserve officers.
- (b) Conducting reserve officer meetings.
- (c) Establishing and maintaining a reserve officer call-out roster.
- (d) Maintaining and ensuring performance evaluations are completed.
- (e) Monitoring individual reserve officer performance.
- (f) Monitoring the overall reserve officer activities.
- (g) Maintaining a liaison with other agency reserve officer program coordinators.

##### **327.7 RESERVE ADMINISTRATIVE OFFICERS**

The reserve administrative officers of the Traverse City Police Reserve Unit will be appointed by the Chief of Police. They consist of the reserve lieutenant and an administrative reserve sergeant. The duties of each are outlined below:

- (a) Reserve Lieutenant: The reserve lieutenant is the highest ranking reserve officer of the reserve unit. His/her duties include, but are not limited to, assisting the program coordinator in overseeing day-to-day operations of the reserve unit, presiding over meetings, calling discipline boards, and assisting the administration of the hiring and firing of reserve members. The reserve lieutenant together with the program coordinator field complaints against personnel and/or discipline issues, and will

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Reserve Officers*

---

inform the program coordinator immediately upon learning of these issues. He/she is responsible for scheduling of details and meetings of the reserve unit. The reserve lieutenant may designate his/her authority to other members at his/her discretion in order to ensure the smooth, effective, and efficient operation of the reserve unit.

- (b) **Administrative Reserve Sergeant:** The department's administrative reserve sergeant is responsible for all record keeping for the reserve unit. This includes but is not limited to: training records, keeping a current phone/address list, and ensuring that each member's files are kept updated. The reserve administrative sergeant is responsible for taking roll call at all meetings and recording of events that take place during meetings. The administrative reserve sergeant is also responsible for organizing training sessions as needed. The administrative reserve sergeant assists in complaints against personnel and/or discipline issues, and will involve the reserve lieutenant in these issues. In the event that a squad reserve sergeant goes on leave of absence for any reason or resigns or leaves the unit, the administrative reserve sergeant will temporarily take over as the reserve sergeant for the squad, or he or she may designate another reserve officer or reserve sergeant to assume this responsibility.

#### **327.8 SERGEANTS, SPECIALTIES AND OTHER POSITIONS**

- (a) **Reserve Squad Sergeants:** Reserve sergeants will be selected by the Chief of Police under advisement by the reserve unit administrative staff after an oral interview process. The reserve sergeants are responsible for leading their assigned squads. They are responsible for ensuring that their squad members are notified of changes in scheduling, and for notifying the reserve lieutenant in the event that one of their squad members is unable to attend a detail or other reserve function. Reserve sergeants will be responsible for inspecting all equipment periodically and shall be responsible for collecting all equipment from personnel leaving the reserve unit. Reserve sergeants may assign another member to assist in these duties when necessary.
- (b) **Reserve Firearms Instructor:** The reserve firearms instructor(s) will be chosen by the reserve unit administrative staff under advisement by the department's chief firearms instructor. Recommendations may be made by the other reserve firearms instructor(s) assigned to the reserve unit. All training and duties will be in accordance with the department's regulations regarding firearms instructors.
- (c) **Reserve Uniform and Equipment Officer:** Equipment for reserve officers are the same as those for full time officers performing like functions. The reserve uniform and equipment officer shall be responsible for ordering all uniforms and needed equipment for the Reserve Unit. He or she shall also be responsible for assisting the reserve sergeants in making sure that all uniforms and equipment are returned by members who are leaving the reserve unit. The uniform and equipment officer will be chosen by the reserve administrative staff.
- (d) **Other Offices:** There may be other offices available. These fall under the requirements outlined below for eligibility of election or assignment to office or promotion. These offices will be filled as deemed necessary by the administration of the unit.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Reserve Officers*

---

The above statements in reference to reserve officer positions are intended to describe the general nature and level of service being performed by people assigned this classification. They are not to be construed as an exhaustive list of all duties performed by individuals so classified.

#### **327.9 PROMOTION AND APPOINTMENT ELIGIBILITY**

Members of the reserve unit must complete the Traverse City Police Department Reserve training program and serve two (2) years to be eligible to hold office such as reserve uniform/equipment officer, reserve firearms instructor, etc. Members of the reserve unit must have completed the reserve training program and have served for two (2) years to be eligible for promotion to reserve sergeant. Reserve sergeants must have served for two (2) years as reserve sergeant to be eligible for promotion to administrative sergeant or reserve lieutenant. Time spent on leave of absence will not count as time toward eligibility for office or promotion. In the event there is no eligible or willing reserve sergeant available for the promotional process the candidate requirement will be opened up to reserve officers with a minimum of two years service post academy.

#### **327.10 IDENTIFICATION AND UNIFORMS**

Probationary reserve officers will be issued Traverse City Police Department class C uniforms and probationary reserve officer identification cards. Upon successful completion of the reserve officer training and authorization requirements, reserve officers will be issued Class A uniforms, badges (if appropriate), and reserve officer identification cards. Identification symbols worn by uniformed reserve officers shall be different from those worn by regular department personnel through the inclusion of "Reserve" on the each shoulder of the uniform. Badges will be distinctly different from those worn by regular police personnel. The identification cards will be the standard Traverse City Police Department identification cards with the exception that "Probationary Reserve" and "Reserve" will be indicated on the cards.

#### **327.11 COMPENSATION**

Compensation for reserve officers is provided as follows:

- (a) Reserve officers shall serve in an unpaid status unless compensation is authorized by the Chief of Police.
- (b) Reserve officers are issued two sets of uniforms and all designated attire and safety equipment, as applicable to their positions. All property issued to reserve officers shall be returned to this department upon termination or resignation.

#### **327.12 PERSONNEL SERVING AS RESERVE OFFICERS**

Qualified regular department civilian personnel, when authorized, may also serve as a reserve officer. However, this department shall not utilize the services of reserve officers in such a way that it would violate employment laws or labor agreements (e.g., a detention officer participating as a reserve officer for reduced or no pay). Therefore, the reserve officer program coordinator should consult with the Department of Human Resources prior to allowing regular department personnel to serve in a reserve officer capacity (29 CFR 553.30).

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Reserve Officers*

---

#### **327.13 COMPLIANCE**

Reserve members shall be required to adhere to all department policies and procedures. A copy of the policies and procedures will be made available to reserve officers upon appointment. A reserve officer shall become thoroughly familiar with these policies.

Whenever a rule, regulation or guideline in this Policy Manual refers to regular department personnel, it shall also apply to reserve officers, unless by its nature, it is inapplicable.

Reserve officers are required by this department to meet department-approved training requirements as applicable to their assignment.

#### **327.14 CARRYING OF WEAPONS**

Probationary reserve officers are prohibited from carrying firearms or defensive devices while on duty and under the authority of the Traverse City Police Department. Reserve officers are prohibited from carrying firearms or defense devices while on duty except with the permission of the Chief of Police or the authorized designee. Should permission to carry firearms or defense devices be granted, reserve officers must complete the same course of training and abide by the same standards and policies as required of police officers in compliance with the Firearms Policy.

[Procedure Manual: 327.3 Reserve Officer Weapons Training](#)

#### **327.15 RESERVE OFFICER MEMBER MEETINGS**

Reserve officers are required to attend scheduled meetings. Absences must be satisfactorily explained to the program coordinator. Suspension may occur after missing two un-excused meetings in succession without good reason. If a third meeting is missed, dismissal is automatic. Members missing meetings without notifying their squad sergeant will be recorded as absent.

- (a) Roberts Rules of Order will be utilized to conduct all business meetings of the reserve unit.
- (b) An agenda will be prepared by the reserve program coordinator for each scheduled meeting.
- (c) The reserve unit must have a quorum to conduct any business (51%).

#### **327.16 TRAINING**

All reserve officers shall complete the required training as directed by the Chief of Police or the authorized designee. Probationary reserve officers must complete the Traverse City Police Department reserve training program within two years of appointment. Reserve Officers must complete training as specified in the training procedure.

[Procedure Manual: 327.4 Reserve Officer Training Program](#)

##### **327.16.1 RESERVE POLICE TRAINING PROGRAM**

The Traverse City Police Department conducts the reserve training program on an ongoing basis through a two year repeating schedule. Probationary reserve officers who have not completed the program are required to attend when offered absent prior authorization from their squad sergeant

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Reserve Officers*

---

and scheduled make-up training. Continued appointment is dependant on successful attendance and completion.

#### **327.16.2 RESERVE OFFICER TRAINING MATERIALS**

New reserve officers will be issued training materials at the beginning of training. The materials outline the subject matter and skills necessary to properly function as reserve members with the Traverse City Police Department. Reserve members shall become knowledgeable of the subject matter and proficient with the skills as set forth in the training materials.

#### **327.16.3 TASK-SPECIFIC AND IN SERVICE TRAINING**

Task-specific training is intended to provide the required instruction and practice for reserve officers to properly and safely perform their assigned duties. Reserve officer training should correspond to the assignment as determined by the reserve program coordinator.

Reserve members shall receive a pre-assignment course of training in the policies of the Department, safe handling of weapons, and other law enforcement procedures applicable to their assignments. A reserve officer who operates any vehicle while acting in the capacity of a reserve officer shall receive training in safe driving and defensive driving. The specific training and course of study shall be determined by the reserve coordinator.

Reserve officers shall receive annual in service training in compliance with MCOLES requirements.

#### **327.17 GRADUATION**

Probationary reserve officers successfully completing the reserve officer training program shall be formally recognized by the administration of the department during the next scheduled reserve officer member meeting. The reserve unit commander will arrange for:

- (a) Reserve officer ID presentation.
- (b) Reserve officer badge presentation.
- (c) The issuance of a Class B Uniform.
- (d) An updated department photo.

#### **327.18 SUPERVISION**

All reserve officers shall be under the direct or indirect supervision of a supervisor or department member in charge. While serving, reserve officers will be assigned to and will be under the direct supervision of a certified police officer. The supervising certified police officer should generally be within sight distance when supervising an on duty reserve officer.

Reserve officers shall never supervise regular department personnel.

#### **327.18.1 EVALUATIONS**

While in the reserve academy, reserve officers should be continuously evaluated using standardized reports. Reserve officers will be considered trainees until they have satisfactorily completed training. Reserve officers who have completed their training should be evaluated

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Reserve Officers*

---

annually using performance dimensions applicable to the duties and authorities granted to reserve officers.

#### 327.18.2 INVESTIGATIONS AND COMPLAINTS

If reserve officers have a personnel complaint made against them or become involved in an internal investigation, the matter shall be referred to the reserve program coordinator and investigated in compliance with the Personnel Complaints Policy.

#### 327.18.3 DUTY TO NOTIFY

All members of the reserve unit have a duty to notify their sergeant and/or the administration of any changes in their status as it pertains to the reserve unit. Such changes include but are not limited to change of address, leave of absence, resignation from the reserve unit, or when the reserve member intends to seek employment that may be viewed as a conflict of interest to their position with the reserve unit. A conflict of interest may occur when employed as a private security guard, a private investigator, or any law enforcement-related field. Reserve members may not work in an official law enforcement capacity with this or another department and maintain reserve status.

- (a) Members have ten (10) days from the effective date of the change to make the proper notification.
  - 1. Notifications shall be written and submitted through the chain of command to the Office of the Chief for review and consideration.
- (b) Failure to make the proper notifications may result in discipline up to and including dismissal from the reserve unit.

#### 327.18.4 LEAVES OF ABSENCE

Members must have completed the reserve academy and served for at least one (1) year before they will be eligible for a leave of absence. The member requesting leave will submit in writing a letter requesting a leave of absence to their immediate supervisor. The letter must be submitted one (1) month prior to the start of the leave. The letter will state the reason for requesting the leave, the date the leave will start and the date the leave will end. Leave of absence will normally be granted for a maximum of three (3) months.

Exceptions will be addressed individually by the requesting member and the reserve lieutenant. Once the letter requesting leave of absence is submitted the administrative staff will decide whether to grant or deny the leave. Leave is not automatically granted because a letter was submitted. A leave of absence may be extended with the approval of the Patrol Services Division Lieutenant. Request for an extension of leave must be submitted, in writing and must state the reason for the request as well as the end of the date of the leave.

If a member fails to report as scheduled after the leave has expired, he or she will be marked as absent and subject to discipline. Members who are on leave of absence are not required to attend meetings or details. Members are encouraged to attend all training during their leave. Specific issues regarding leave of absence as it relates to training (firearms, driving, etc.) will be addressed in the individual training policies.



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Reserve Officers*

---

#### **327.20 COVERAGE**

Reserve officers will be bonded and/or provided with public liability protection equal to that provided to full time officers.

#### **327.21 HONORARY MEMBERS**

An honorary member shall be a member who has served a minimum of five (5) years in good standing with the Traverse City Police Reserve Unit. The member may be moved to this position as recommended by the Chief of Police. The member shall hold all privileges of an active member, but shall not take part in police support responsibilities.

#### **327.21 FITNESS FOR DUTY**

Reserve officers are subject to the same fitness for duty standards as sworn members of the department as specified within the Fitness for Duty policy.

#### **327.22 ANNUAL REPORT**

The Patrol Division Commander in conjunction with the Patrol Division Lieutenant should complete an annual report to the Chief of Police concerning the progress and status of Reserve Officer program.

## Outside Agency Assistance

### 328.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

### 328.2 POLICY

It is the policy of the Traverse City Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

### 328.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Shift Commander's office for approval. In some instances, a preexisting agreement or other established protocol may exist that eliminates the need for approval of individual requests (MCL 123.811; MCL 123.812; MCL 123.813; MCL 123.814).

When another law enforcement agency requests assistance from this department, the Shift Commander may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance; however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

#### 328.3.1 INTRASTATE AUTHORITY

Peace officers from states physically adjacent to Michigan, who respond to requests for assistance by agencies within Michigan, have the same authority as law enforcement officers from within Michigan (MCL 3.731 et seq.).

#### 328.3.2 INITIATED ACTIVITY

Any on-duty department officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Traverse City Police Department shall notify his/her supervisor or the Shift Commander and Central Dispatch as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Outside Agency Assistance*

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#### **328.4 REQUESTING OUTSIDE ASSISTANCE**

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

#### **328.5 REPORTING REQUIREMENTS**

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Shift Commander.

#### **328.6 MANDATORY SHARING**

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Office of the Chief of Police or the authorized designee.

The documentation should include:

- (a) The conditions relative to sharing.
- (b) The training requirements for:
  - 1. The use of the equipment and supplies.
  - 2. The members trained in the use of the equipment and supplies.
- (c) Any other requirements for use of the equipment and supplies.

The Office of the Chief of Police will ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Manager should maintain documentation that the appropriate members have received the required training.

## Registered Offender Information

### 329.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Traverse City Police Department will address issues associated with certain offenders who are residing in the jurisdiction, and how the Department will disseminate information and respond to public inquiries for information about registered sex offenders.

### 329.2 POLICY

It is the policy of the Traverse City Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

### 329.3 REGISTRATION

The Detective Bureau supervisor shall establish a process to reasonably accommodate registration of offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process (MCL 28.724 et seq.).

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the Michigan State Police (MSP) in accordance with Michigan law.

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

#### 329.3.1 CONTENTS OF REGISTRATION

Members tasked with registering offenders should use the form prescribed by the MSP.

The registering member shall verify the offender's residence and any other required information. The registering member shall also determine whether the offender's photograph matches the offender's appearance so as to properly identify him/her from that photograph. If not, the registering member shall require the offender to obtain a current photograph within seven days (MCL 28.725a).

When all of the verification information has been provided, the registering member shall (MCL 28.725a):

- (a) Review the information with the offender and make any corrections, additions, or deletions as necessary based on the review.
- (b) Sign and date a verification receipt.
- (c) Provide a copy of the signed receipt showing the date of verification to the offender.
- (d) Forward the verification information to the MSP as required.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Registered Offender Information*

---

#### **329.4 MONITORING OF REGISTERED OFFENDERS**

The Detective Bureau supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

- (a) Efforts to confirm residence using an unobtrusive method, such as an Internet search or drive-by of the declared residence.
- (b) Review of information on the Michigan Sex Offender Registry (SOR) and the Public Sex Offender Registry (PSOR) (MCL 28.728).
- (c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to the MSP so they can notify all registering authorities and take enforcement action (MCL 28.725a).

The Detective Bureau supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Traverse City Police Department members, including timely updates regarding new or relocated registrants.

##### **329.4.1 FAILURE TO REGISTER**

If an offender, for which this department is responsible, fails to register or update registration information as required, this department shall (MCL 28.728a):

- (a) Determine whether the offender has absconded or is otherwise unlocatable.
- (b) If the offender was to appear in order to register or update registration information and failed to appear as required, notify the MSP.
- (c) Revise the information in the registry to reflect that the offender has absconded or is otherwise unlocatable.
- (d) Seek a warrant for the offender's arrest if the legal requirements for obtaining a warrant are satisfied.
- (e) Enter the offender into the National Crime Information Center (NCIC) wanted person file if the requirements for entering the offender's information are met.

#### **329.5 DISSEMINATION OF PUBLIC INFORMATION**

Members will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Members who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on registrants should be directed to the PSOR website or the Traverse City Police Department's website (MCL 28.728).

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Registered Offender Information*

---

The Records Supervisor may release local registered offender information to residents in accordance with MCL 28.730 and in compliance with the Michigan Freedom of Information Act request.

#### **329.5.1 RELEASE NOTIFICATIONS**

Registrant information that is released should include notification that:

- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who divulges, uses or publishes non-public information contained in the registry may be subject to criminal prosecution (MCL 28.730).

#### **329.5.2 DISSEMINATION**

The Department shall make information from the PSOR website available for public inspection during regular business hours. The Department is not required to make a copy of this information (MCL 28.730).

#### **329.5.3 INFORMATION AVAILABLE VIA THE INTERNET**

The Department may make information from the PSOR website available to the public through electronic, computerized or other accessible means (MCL 28.730).

#### **329.6 LEGAL MANDATES AND RELEVANT LAWS**

The Department shall require the offender to pay the registration fee required under Michigan law (MCL 28.724a; MCL 28.725a; MCL 28.725b; MCL 28.727).

## Major Incident Notification

### 330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Traverse City Police Department in determining when, how and to whom notification of major incidents should be made as well as requests for specialized services.

### 330.2 POLICY

The Traverse City Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

### 330.3 CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police, the affected Division Commander and the City. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Any personnel complaint - citizen or internal
- Officer-involved shooting, whether on- or off-duty (see the Officer-Involved Shootings and Deaths Policy for special notification)
- Homicides, suspicious deaths or deaths related to law enforcement activity
- Crimes of unusual violence or circumstances that may include hostages, barricaded persons, home invasions, armed robbery or sexual assaults
- Missing children or missing adults
- In-custody deaths
- Aircraft, train, boat or other transportation accidents with major damage and/or injury or death
- Traffic accidents with fatalities or severe injuries
- Death of a prominent Traverse City official
- Significant injury or death to a member of the Department, whether on- or off-duty
- Arrest of a member of the Department or prominent Traverse City official
- Equipment failures, utility failures and incidents that may affect staffing or pose a threat to basic police services
- First Amendment Assembly incidents involving assaultive behavior or civil unrest
- Educational Institution or Medical Facility incidents involving felony crimes and/or likely to result in a strong show of interest from the media
- Any other incident that has attracted or is likely to attract significant media attention

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Major Incident Notification*

---

- Any situation to be determined critical as defined under the Stress Management and Response policy

#### **330.4 ON CALL COMMAND OFFICER**

The Department has designated personnel to act as on call command on a weekly rotating basis outside of the administrative business hours and report directly to the Chief of Police. The on call command schedule shall be available electronically to all shift commanders and acting shift commanders.

#### **330.5 SHIFT COMMANDER RESPONSIBILITIES**

The Shift Commander is responsible for making the appropriate notifications. The Shift Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification, and shall attempt to make the notifications as soon as practicable.

##### **330.5.1 COMMAND STAFF NOTIFICATION**

In the event an incident occurs as identified in the Criteria for Notification section above, the on call Command Officer shall be notified. The on call Command Officer shall be responsible for Division Commander and Chief of Police notification.

##### **330.5.2 INVESTIGATIVE DIVISION REQUEST FOR SPECIALIZED SERVICES**

If the Shift Commander determines an incident may require that an investigator respond from home, the on call Command Officer shall be notified. The Command Officer will work with the Detective Sergeant to identify the need/availability of resources and specialty service call-in.

Investigative Division Services Specialty Services:

- (a) Detectives
- (b) School Resource Officers
- (c) Traverse Narcotics Team
- (d) Property and Evidence
- (e) Unmanned Aerial Vehicles Team
- (f) Cyber Crime Investigation Unit
- (g) Crime Scene Investigation Unit

##### **330.5.3 PATROL DIVISION REQUEST FOR SPECIALIZED SERVICES**

If the Shift Commander determines an incident requires that patrol division specialized services respond from home, the on call Command Officer shall be notified. The Command Officer will work with the Patrol Division Lieutenant to identify the need/availability of resources and specialty service call-in.

Patrol Division Specialty Services:

- (a) Additional Patrol Support
- (b) Canine Team



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Major Incident Notification*

---

- (c) Motor Unit
- (d) Emergency Response Team/Northern Michigan Mutual Aid Activation
- (e) Critical Incident Team/Hostage Negotiation
- (f) Accident Investigation
- (g) Interdiction Team

#### 330.5.4 PUBLIC INFORMATION OFFICER

After members of the command staff have been notified, a Public Information Officer shall be designated if it appears the media may have a significant interest in the incident.

#### **330.6 PROSECUTING ATTORNEY'S OFFICE (PAO) NOTIFICATION**

Once notified by a subordinate, the on call Command Officer is responsible for insuring that PAO notification occurs as specified:

- (a) The Prosecuting Attorney shall be directly notified of all homicide investigations and officer involved shootings as soon as possible.
- (b) The Chief Assistant Prosecuting Attorney shall be notified of all CSC investigations within 24 hours of the alleged offense being reported.
- (c) The Assistant Prosecuting Attorney assigned to OWI/OUID/Reckless Driving causing death/serious injury investigations shall be contacted concerning the determination of AI response.

## Death Investigation

### 331.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers initially respond to and investigate the circumstances of a deceased person.

Some causes of death may not be readily apparent and some cases differ substantially from what they appear to be initially. The thoroughness of death investigations and use of appropriate resources and evidence gathering techniques is critical.

### 331.2 POLICY

It is the policy of the Traverse City Police Department to respond to, document and investigate incidents where a person is deceased. Investigations involving the death of a person, including those from natural causes, accidents, workplace incidents, suicide and homicide, shall be initiated, conducted and properly documented.

### 331.3 INVESTIGATION CONSIDERATIONS

Emergency medical services shall be called in all suspected death cases unless death is obvious (e.g., decapitated, decomposed).

A supervisor shall be notified as soon as possible to assist and provide appropriate personnel and resources. The on-scene supervisor should determine whether a follow-up investigation is required and notify the on-call Command.

#### 331.3.1 REPORTING

All incidents involving a death shall be documented on the appropriate form. Any additional information shall be dictated in a supplemental report.

[Procedure: 331 Death Investigation Worksheet](#)

#### 331.3.2 MEDICAL EXAMINER REQUEST

Officers are not authorized to pronounce death unless they are also Medical Examiners, Deputy Medical Examiners, or appointed Medical Examiner investigators. The Medical Examiner shall be called in all sudden or unexpected deaths. State law requires that the Medical Examiner be notified when the death/decedent was (MCL 52.203; MCL 52.205a):

- (a) Sudden, unexpected, accidental, violent, or the result of any suspicious circumstance.
- (b) Not seen by medical personnel in the preceding 48 hours, unless the decedent's attending physician is able to accurately determine the cause of death.
- (c) The result of an abortion, either medically performed or self-induced.
- (d) Of a child two years of age or younger when the death is sudden, unknown, or the child is found dead.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Death Investigation*

---

Where two or more individuals involved in a single incident had similar physical attributes, including being of approximately the same age, sex, height, weight, hair color, eye color, or race the Medical Examiner must also be notified.

If one or more of the involved individuals survived the incident, the Medical Examiner must also be notified of which treating facility the surviving individual was taken to for treatment and notification of the similarity must also be made to the treating facility (MCL 52.203).

#### 331.3.3 SEARCHING DEAD BODIES

- (a) The Medical Examiner, his/her assistant and authorized investigators are generally the only persons permitted to move, handle or search a dead body.
- (b) An officer may make a reasonable search of an individual who it is reasonable to believe is dead, or near death, for the purpose of identification or for information identifying the individual as an anatomical donor. If a donor document is located, the Medical Examiner or his/her assistant shall be promptly notified.
- (c) The Medical Examiner, with the permission of the Department, may take property, objects or articles found on the deceased or in the immediate vicinity of the deceased that may be necessary for conducting an investigation to determine the identity of the deceased or the cause or manner of death.
- (d) Should exigent circumstances indicate to an officer that any other search of a known dead body is warranted prior to the arrival of the Medical Examiner or his/her assistant, the investigating officer should first obtain verbal consent from the Medical Examiner or his/her assistant when practicable.
- (e) Whenever reasonably possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain nearby the scene and available to the officer pending the arrival of the Medical Examiner or his/her assistant. The name and address of this person shall be included in the narrative of the death report.
- (f) Whenever personal effects are removed from the body of the deceased by the Medical Examiner or his/her assistant, a receipt shall be obtained. This receipt shall be attached to the death report.

#### 331.3.4 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the officer shall take steps to protect the scene. The Detective Bureau shall be notified to determine the possible need for an investigator to respond to the scene.

If the on-scene supervisor, through consultation with the Shift Commander or Detective Bureau supervisor, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Death Investigation*

---

The investigator assigned to investigate a homicide or death that occurred under suspicious circumstances may, with the approval of his/her supervisor, request the Medical Examiner to conduct physical examinations and tests, and to provide a report.

#### **331.3.5 EMPLOYMENT-RELATED DEATHS OR INJURIES**

Any member of this department who responds to and determines that a death, serious illness or serious injury has occurred as a result of an accident at or in connection with the victim's employment should ensure that the regional Occupational Safety and Health Administration (OSHA) office is notified of all pertinent information.

#### **331.4 UNIDENTIFIED DEAD BODY**

If the identity of a dead body cannot be established, the handling officer will request from the Medical Examiner a unique identifying number for the body. The number shall be included in any report.

After a preliminary investigation, a member of the Department shall immediately enter the required data into the National Crime Information Center (NCIC) and the National Missing and Unidentified Persons System (NamUs) (MCL 28.258; MCL 333.2844a).

If the body is that of a child, the required information shall also be entered into the Michigan's Missing Child Information Clearinghouse.

If a missing person has not been found within 30 days of a report, this department shall request that the missing person's family or next of kin provide written consent to obtain the missing person's dental records pursuant to the Missing Persons Policy and enter these records into NCIC.

If a person who has been reported missing is subsequently found, this department shall cancel the entries into NCIC.

#### **331.5 DEATH NOTIFICATION**

When reasonably practicable, and if not handled by the Medical Examiner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification.

If a deceased person has been identified as a missing person, this department shall attempt to locate family members and inform them of the death and location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded on the Death Scene Investigation Worksheet and/or in the dictated report.

## Private Person's Arrest

### 332.1 PURPOSE AND SCOPE

This policy provides guidance for the handling and acceptance of a private person's arrest.

### 332.2 POLICY

It is the policy of the Traverse City Police Department to accept a private person's arrest only when legal and appropriate.

### 332.3 ARRESTS BY PRIVATE PERSON

A private person may arrest another person under the following circumstances (MCL 764.16):

- (a) When the person arrested committed a felony.
- (b) When the private person is a merchant, agent or employee of the merchant, or an independent contractor providing security for the merchant, and the private person has probable cause to believe the person arrested violated MCL 750.356c or MCL 750.356d (retail fraud) in that store.

### 332.4 OFFICER RESPONSIBILITIES

An officer confronted with a person claiming to have made a private person's arrest should determine whether such an arrest is lawful.

If the officer determines that the private person's arrest is unlawful, the officer should:

- (a) Take no action to further detain or restrain the arrested individual, unless there is independent justification for continuing a detention.
- (b) Advise the parties that the arrest will not be accepted but the circumstances will be documented in a report.
- (c) Document the incident, including the basis for refusing to accept custody of the individual.

Whenever an officer determines that a private person's arrest is justified, the officer may take the individual into custody and proceed in the same manner as with any other arrest (MCL 764.13; MCL 764.14).

### 332.5 PRIVATE PERSON'S ARREST - RETAIL THEFT FORM

The arresting person should be asked to complete and sign a retail theft. If the person fails or refuses to do so, the arrested individual should be released, unless the officer has a lawful reason, independent of the private person's arrest, to take the individual into custody and determines an arrest is appropriate.

[Procedure Manual: 332.2 RETAIL THEFT FORM](#)

## Limited English Proficiency Services

### 333.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

#### 333.1.1 DEFINITIONS

Definitions related to this policy include:

**Authorized interpreter** - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

**Interpret or interpretation** - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

**Limited English proficiency (LEP) individual** - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still exhibit LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

**Qualified bilingual member** - A member of the Traverse City Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

**Translate or translation** - The replacement of written text from one language (source language) into an equivalent written text (target language).

### 333.2 POLICY

It is the policy of the Traverse City Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

### 333.3 LEP COORDINATOR

The Chief of Police shall delegate certain responsibilities to an LEP coordinator. The coordinator shall be appointed by, and directly responsible to, the Investigative Services Division Commander or the authorized designee.

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

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Limited English Proficiency Services*

---

- (a) Coordinating and implementing all aspects of the Traverse City Police Department's LEP services to LEP individuals.
- (b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.
- (c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Shift Commander and Director of Central Dispatch. The list should include information regarding:
  - 1. Languages spoken.
  - 2. Contact information.
  - 3. Availability.
- (d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.
- (e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
- (f) Annually assessing demographic data and other resources, including contracted language services utilization data and data from community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (g) Identifying standards and assessments to be used by this department to qualify individuals as qualified bilingual members or authorized interpreters.
- (h) Periodically reviewing efforts of this department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, developing new procedures or recommending modifications to this policy.
- (i) Receiving and responding to complaints regarding department LEP services.
- (j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

#### **333.4 FOUR-FACTOR ANALYSIS**

Because there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of the following four factors, which are:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of this department or a particular geographic area.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Limited English Proficiency Services*

---

- (b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

#### **333.5 TYPES OF LEP ASSISTANCE AVAILABLE**

Traverse City Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

#### **333.6 WRITTEN FORMS AND GUIDELINES**

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

#### **333.7 AUDIO RECORDINGS**

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

#### **333.8 QUALIFIED BILINGUAL MEMBERS**

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual member from this department is not available, personnel from other City departments who have been identified by the Department as having the requisite skills and competence may be requested.



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Limited English Proficiency Services*

---

#### **333.9 AUTHORIZED INTERPRETERS**

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP coordinator that demonstrates their skills and abilities in the following areas:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

#### **333.9.1 SOURCES OF AUTHORIZED INTERPRETERS**

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

#### **333.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE**

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Limited English Proficiency Services*

---

appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

#### **333.10 CONTACT AND REPORTING**

Although all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation that involves a situation in which interpretation services were provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

#### **333.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE**

The Traverse City Police Department will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

##### **333.11.1 EMERGENCY CALLS TO 9-1-1**

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in Central Dispatch, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

Although 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Limited English Proficiency Services*

---

#### **333.12 FIELD ENFORCEMENT**

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

#### **333.13 INVESTIGATIVE FIELD INTERVIEWS**

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

#### **333.14 CUSTODIAL INTERROGATIONS**

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Limited English Proficiency Services*

---

To ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

#### **333.15 BOOKINGS**

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, to protect the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

#### **333.16 COMPLAINTS**

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during a complaint investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

#### **333.17 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

#### **333.18 TRAINING**

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Training Manager shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Manager shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with the established records retention schedule.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Limited English Proficiency Services*

---

##### 333.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Manager shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

## Communications with Persons with Disabilities

### 334.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

#### 334.1.1 DEFINITIONS

Definitions related to this policy include:

**Auxiliary aids** - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

**Disability or impairment** – An individual who has or is regarded as being substantially limited in a major life activity, including hearing or seeing, with or without assistance other than ordinary eyeglasses or contacts (42 USC § 12102). This includes a person with a determinable physical or mental characteristic which results from disease, injury, congenital condition of birth or functional disorder but does not include any characteristic caused by the current and illegal use of a controlled substance or caused by the use of an alcoholic beverage or vapor where such use prevents the individual from performing the duties of his/her job (MCL 37.1103).

### 334.2 POLICY

It is the policy of the Traverse City Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees, have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

### 334.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA coordinator (28 CFR 35.107). The coordinator shall be appointed by and directly responsible to the Investigative Services Division Commander or the authorized designee.

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

- (a) Working with the City ADA coordinator regarding the Traverse City Police Department's efforts to ensure equal access to services, programs and activities.
- (b) Developing reports or new procedures or recommending modifications to this policy.
- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Communications with Persons with Disabilities*

---

- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Shift Commander and Director of Central Dispatch. The list should include information regarding:
  - 1. Contact information.
  - 2. Availability.
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensuring the procedures are available to all members.
- (f) Ensuring signage is posted in appropriate areas indicating that auxiliary aids are available free of charge to individuals with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

#### **334.4 FACTORS TO CONSIDER**

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate his/her understanding.
- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

#### **334.5 INITIAL AND IMMEDIATE CONSIDERATIONS**

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Communications with Persons with Disabilities*

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In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, is hard of hearing or has impaired speech must be handcuffed while in the custody of the Traverse City Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

#### **334.6 TYPES OF ASSISTANCE AVAILABLE**

Traverse City Police Department members shall never refuse an available service to an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall it require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to disabled individuals through a variety of services.

Disabled individuals may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

#### **334.7 AUDIO RECORDINGS AND ENLARGED PRINT**

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form (e.g., a personnel complaint form) or provide forms with enlarged print.



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Communications with Persons with Disabilities*

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#### **334.8 QUALIFIED INTERPRETERS**

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee) if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying where communication is impeded. Interpreters may include oral interpreters, transliterators, sign language interpreters and intermediary interpreters who are able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested.
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

#### **334.8.1 QUALIFIED INTERPRETERS FOR DEAF, DEAF-BLIND OR HARD OF HEARING INDIVIDUALS**

Interpreters for individuals who are deaf, deaf-blind or hard of hearing must hold a valid certification through the national registry of interpreters for the deaf or through the state by the Division on Deaf and Hard of Hearing of the Department of Labor and Economic Growth (MCL 393.502; MCL 393.503a).

#### **334.9 TTY AND RELAY SERVICES**

In situations where an individual without a disability would have access to a telephone (e.g., booking, attorney contacts), members must also provide those who are deaf, are hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Communications with Persons with Disabilities*

---

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

#### **334.10 COMMUNITY VOLUNTEERS**

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon in an emergency situation. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

#### **334.11 FAMILY AND FRIENDS**

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

#### **334.12 REPORTING**

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

#### **334.13 FIELD ENFORCEMENT**

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Communications with Persons with Disabilities*

---

involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

#### **334.13.1 FIELD RESOURCES**

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, is hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

#### **334.14 CUSTODIAL INTERROGATIONS**

In an effort to ensure that the rights of individuals who are deaf, are hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide qualified interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter (MCL 393.505). The right of a deaf, deaf-blind or hard of hearing person to a qualified interpreter shall not be waived except by a written waiver (MCL 393.503).

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Communications with Persons with Disabilities*

---

The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

To ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

#### **334.14.1 WAIVER IN CUSTODIAL INTERROGATIONS AND APPROVAL BY ATTORNEY**

The right of a deaf, deaf-blind or hard of hearing person to a qualified interpreter shall not be waived except by a written waiver. A written waiver of a defendant with previously appointed or retained counsel is subject to the approval of the deaf or deaf-blind person's counsel. Members seeking to conduct a custodial interrogation of a represented individual regarding a different crime than the crime resulting in custodial status should consult legal counsel prior to engaging in the same. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card (MCL 393.503).

#### **334.15 ARRESTS AND BOOKINGS**

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service and waives a qualified interpreter in writing (MCL 393.503).

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, are hard of hearing, have impaired speech or vision, are blind or have other disabilities. In the interest of the arrestee's health and welfare, to protect the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

#### **334.16 COMPLAINTS**

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the ADA coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this department.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Communications with Persons with Disabilities*

---

#### **334.17 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

#### **334.18 TRAINING**

To ensure that all members who may have contact with disabled individuals are properly trained, the Department will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms and available resources.
- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

The Training Manager shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including those who are deaf, are hard of hearing, have impaired speech or vision or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Manager shall maintain records of all training provided and will retain a copy in each member's training file in accordance with the established records retention schedule.

##### **334.18.1 CALL-TAKER TRAINING**

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, are hard of hearing or have speech impairments. Such training and information should include:

- (a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.
- (b) ASL syntax and accepted abbreviations.
- (c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls and using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.
- (d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all Central Dispatch members who may have contact with individuals from the public who are deaf, are hard of hearing or have impaired speech. Refresher training should occur every six months.

# Public Safety Video Surveillance System

## 337.1 PURPOSE AND SCOPE

This policy provides guidance for the placement and monitoring of department public safety video surveillance, as well as the storage and release of the captured images.

This policy only applies to overt, marked public safety video surveillance systems operated by the Department. It does not apply to mobile audio/video systems, covert audio/video systems or any other image-capturing devices used by the Department.

## 337.2 POLICY

The Traverse City Police Department operates a public safety video surveillance system to complement its anti-crime strategy, to effectively allocate and deploy personnel, and to enhance public safety and security in public areas. Cameras may be placed in strategic locations throughout the City to detect and deter crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters and to assist City officials in providing services to the community.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

## 337.3 OPERATIONAL GUIDELINES

Only department-approved video surveillance equipment shall be utilized. Members authorized to monitor video surveillance equipment should only monitor public areas and public activities where no reasonable expectation of privacy exists. The Chief of Police or the authorized designee shall approve all proposed locations for the use of video surveillance technology and should consult with and be guided by legal counsel as necessary in making such determinations.

### 337.3.1 PLACEMENT AND MONITORING

Camera placement will be guided by the underlying purpose or strategy associated with the overall video surveillance plan. As appropriate, the Chief of Police should confer with other affected City divisions and designated community groups when evaluating camera placement. Environmental factors, including lighting, location of buildings, presence of vegetation or other obstructions, should also be evaluated when determining placement.

Cameras shall only record video images and not sound. Recorded images may be used for a variety of purposes, including criminal investigations and monitoring of activity around high-value or high-threat areas. The public safety video surveillance system may be useful for the following purposes:

- (a) To prevent, deter and identify criminal activity.
- (b) To target identified areas of gang and narcotics complaints or activity.
- (c) To respond to critical incidents.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Public Safety Video Surveillance System*

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- (d) To assist in identifying, apprehending and prosecuting offenders.
- (e) To document officer and offender conduct during interactions to safeguard the rights of the public and officers.
- (f) To augment resources in a cost-effective manner.
- (g) To monitor pedestrian and vehicle traffic activity.

Images from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera. Images should be transmitted to monitors installed in the Shift Commander's office and Central Dispatch. When activity warranting further investigation is reported or detected at any camera location, the available information should be provided to responding officers in a timely manner. The Shift Commander or trained Central Dispatch personnel are authorized to adjust the cameras to more effectively view a particular area for any legitimate public safety purpose.

The Chief of Police may authorize video feeds from the public safety video surveillance system to be forwarded to a specified location for monitoring by other than police personnel, such as allied government agencies, road or traffic crews, or fire or emergency operations personnel.

Unauthorized recording, viewing, reproduction, dissemination or retention of anything documented by public safety surveillance equipment is prohibited.

#### **337.3.2 CAMERA MARKINGS**

All public areas monitored by public safety surveillance equipment shall be marked in a conspicuous manner with appropriate signs to inform the public that the area is under police surveillance. Signs should be well lit, placed appropriately and without obstruction to ensure visibility.

#### **337.3.3 INTEGRATION WITH OTHER TECHNOLOGY**

The Department may elect to integrate its public safety video surveillance system with other technology to enhance available information. Systems such as gunshot detection, incident mapping, crime analysis, license plate recognition, facial recognition and other video-based analytical systems may be considered based upon availability and the nature of department strategy.

The Department should evaluate the availability and propriety of networking or otherwise collaborating with appropriate private sector entities and should evaluate whether the use of certain camera systems, such as pan-tilt-zoom systems, video enhancement or other analytical technology, requires additional safeguards.

#### **337.4 VIDEO SUPERVISION**

Supervisors should monitor video surveillance access and usage to ensure members follow department policy and applicable laws. Supervisors should ensure such use and access is appropriately documented.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Public Safety Video Surveillance System*

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##### 337.4.1 VIDEO LOG

A log should be maintained at all locations where video surveillance monitors are located. The log should be used to document all persons not assigned to the monitoring locations who have been given access to view or monitor images provided by the video surveillance cameras. The logs should, at a minimum, record the:

- (a) Date and time access was given.
- (b) Name and agency of the person being given access to the images.
- (c) Name of person authorizing access.
- (d) Identifiable portion of images viewed.

##### 337.4.2 PROHIBITED ACTIVITY

Public safety video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Public safety video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target individuals or groups based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

Video surveillance equipment shall not be used to harass, intimidate, or discriminate against any individual or group.

#### **337.5 STORAGE AND RETENTION OF MEDIA**

All downloaded media shall be stored in a secure area with access restricted to authorized persons. A recording needed as evidence shall be copied to a suitable medium and booked into evidence in accordance with established evidence procedures. All actions taken with respect to retention of media shall be appropriately documented.

The type of video surveillance technology employed and the manner in which recordings are used and stored will affect retention periods. The recordings should be stored and retained in accordance with the established records retention schedule.

##### 337.5.1 EVIDENTIARY INTEGRITY

All downloaded and retained media shall be treated in the same manner as other evidence. Media shall be accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, digital masking of innocent or uninvolved individuals to preserve anonymity, authenticity certificates and date and time stamping shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Public Safety Video Surveillance System*

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##### **337.6 RELEASE OF VIDEO IMAGES**

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the Traverse City Police Department.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for department public records.

Requests for recorded images from other law enforcement agencies shall be referred to the Shift Commander for release in accordance with a specific and legitimate law enforcement purpose.

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process.

##### **337.7 VIDEO SURVEILLANCE AUDIT**

The Chief of Police or the authorized designee will conduct an annual review of the public safety video surveillance system. The review should include an analysis of the cost, benefit and effectiveness of the system, including any public safety issues that were effectively addressed or any significant prosecutions that resulted, and any systemic operational or administrative issues that were identified, including those related to training, discipline or policy.

The results of each review shall be appropriately documented and maintained by the Chief of Police or the authorized designee and other applicable advisory bodies. Any recommendations for training or policy should be promptly addressed.

##### **337.8 TRAINING**

All department members authorized to operate or access public safety video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, interaction with dispatch and patrol operations and a review regarding relevant policies and procedures, including this policy. Training should also address state and federal law related to the use of video surveillance equipment and privacy.

## Child and Dependent Adult Safety

### 338.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Adult Abuse policies.

### 338.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Traverse City Police Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

### 338.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should consider reasonable alternatives to arresting a parent, guardian or caregiver in the presence of his/her child or dependent adult.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be nonproductive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

#### 338.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Child and Dependent Adult Safety*

---

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
  - 1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence that it would not be in the dependent person's best interest (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
  - 1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify Children's or Adult Protective Services, if appropriate.
- (e) Notify the field supervisor or Shift Commander of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

#### 338.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee should be allowed to make telephone calls to arrange for the care of any child or dependent adult in accordance with the Temporary Custody of Adults Policy.

If an arrestee is unable to arrange for the care of any child or dependent adult through this process, or circumstances prevent them from making such arrangements (e.g., their behavior prevents reasonable accommodations for making necessary calls), a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Child and Dependent Adult Safety*

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##### 338.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting member will document the following information:
1. Name
  2. Sex
  3. Age
  4. Special needs (e.g., medical, mental health)
  5. How, where and with whom or which agency the child was placed
  6. Identities and contact information for other potential caregivers
  7. Notifications made to other adults (e.g., schools, relatives)
- (b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:
1. Name
  2. Sex
  3. Age
  4. Whether the person reasonably appears able to care for him/herself
  5. Disposition or placement information if he/she is unable to care for him/herself

##### 338.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis response telephone number, the appropriate referral information may be provided.

#### **338.4 DEPENDENT WELFARE SERVICES**

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service agency to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked law enforcement vehicle or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

# Traverse City Police Department

TCPD Policy Manual

TCPD Policy Manual

## *Child and Dependent Adult Safety*

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### **338.5 TRAINING**

The Training Manager is responsible for ensuring that all members of this department who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

## Service Animals

### 339.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure that the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act (ADA).

#### 339.1.1 DEFINITIONS

Definitions related to this policy include:

**Service animal** - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size, and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i); MCL 750.502c).

### 339.2 POLICY

It is the policy of the Traverse City Police Department to provide services and access to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

### 339.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Service Animals*

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- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

#### **339.4 MEMBER RESPONSIBILITIES**

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Traverse City Police Department affords to all members of the public (28 CFR 35.136).

##### **339.4.1 INQUIRY**

If it is apparent or if a member is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The individual should not be questioned about his/her disability nor should the person be asked to provide any license, certification or identification card for the service animal.

##### **339.4.2 CONTACT**

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

##### **339.4.3 REMOVAL**

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an officer may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b); MCL 750.502c).

Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services that are reasonably available to an individual with a disability, with or without a service animal.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Service Animals*

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##### **339.4.4 COMPLAINTS**

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).

##### **339.5 STATE CONSIDERATIONS**

Unsubstantiated fear of an animal or concerns about allergies related to the animal are not reasons for an animal to be removed from a place of public accommodation (MCL 750.502c).

Michigan law provides trainers and support animals under their care the same protections provided to persons with disabilities and their service animals (MCL 750.502c).



# Native American Graves Protection and Repatriation

## 341.1 PURPOSE AND SCOPE

This policy is intended ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

### 341.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

**Funerary objects and associated funerary objects** - Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes, or to contain human remains.

**Native American human remains** - The physical remains of the body of a person of Native American ancestry.

**Objects of cultural patrimony** - Objects having ongoing historical, traditional or cultural importance that is central to the Native American group or culture itself and therefore cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

**Sacred objects** - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

## 341.2 POLICY

It is the policy of the Traverse City Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

## 341.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.4).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Native American Graves Protection and Repatriation*

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Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land - The State Archaeologist of Michigan's State Historic Preservation Office (Mich. Admin. Code, R 325.8051)
- Tribal land - Responsible Indian tribal official

#### **341.4 EVIDENCE AND PROPERTY**

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.6).

## Off-Duty Law Enforcement Actions

### 342.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for officers of the Traverse City Police Department with respect to taking law enforcement action while off-duty.

### 342.2 POLICY

It is the policy of the Traverse City Police Department that officers generally should not initiate law enforcement action while off-duty. Officers are not expected to place themselves in unreasonable peril and should first consider reporting and monitoring the activity. However, any officer who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage or loss, may take reasonable action to minimize or eliminate the threat.

### 342.3 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. Officers should consider waiting for on-duty uniformed law enforcement personnel to arrive instead of immediately intervening and, while waiting, gather as much accurate intelligence as possible. However, if an officer decides to intervene, he/she must evaluate whether the action is necessary or desirable, and should take into consideration:

- (a) The potential to be misidentified by other law enforcement personnel.
- (b) The potential to be misidentified by members of the public, who may be armed or who may take action.
- (c) The tactical disadvantage of being alone and the possibility of multiple or hidden suspects.
- (d) Limited off-duty firearms capabilities and ammunition.
- (e) The inability to communicate with responding law enforcement personnel.
- (f) The lack of equipment, such as body armor, handcuffs or control devices.
- (g) Unfamiliarity with the surroundings, including escape routes.
- (h) The potential for increased risk to bystanders by confronting a suspect or taking action.

#### 342.3.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. If possible, the dispatcher receiving the call should obtain a description of the off-duty officer from the caller and broadcast that information to responding officers.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an officer with the Traverse City Police Department until acknowledged. Official identification should also be displayed when possible.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Off-Duty Law Enforcement Actions*

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#### **342.4 CONSIDERATIONS**

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she is working in an undercover capacity.

##### **342.4.1 CIVILIAN RESPONSIBILITIES**

Civilian members should not become involved in any law enforcement action while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

##### **342.4.2 INCIDENTS OF PERSONAL INTEREST**

Department members should refrain from handling incidents of personal interest (e.g., family or neighbor disputes) and should remain neutral. In such circumstances members should call the responsible agency to handle the matter.

#### **342.5 REPORTING**

If prior notification to the appropriate local law enforcement agency is not reasonably possible before taking action, the officer shall notify the agency as soon as reasonably practicable. Officers shall cooperate fully with the agency having jurisdiction by providing statements or reports as requested or as appropriate.

Officers shall notify the Shift Commander regarding any law enforcement action taken while off-duty. The Shift Commander may send a supervisor to the location. The supervisor may request assistance from the Investigative Services Division, if deemed appropriate.

The Shift Commander shall determine whether a crime report or an administrative report should be completed by the involved officer.

## Community Relations

### 343.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Hate Crimes Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Patrol Policy.
- Suspicious Activity Reporting Policy.

### 343.2 POLICY

It is the policy of Traverse City Police Department to promote positive relationships between department members and the community. TCPD will do this by treating community members with dignity and respect, engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

### 343.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

- (a) Make casual and consensual contacts with community members to promote positive community relationships (see the Contacts and Temporary Detentions Policy).
- (b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.
- (c) Work with community members and the Chief of Police to identify issues and solve problems related to community relations and public safety.
- (d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Officers carrying out foot patrols should notify an appropriate supervisor and Central Dispatch of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform Central Dispatch of their location and status during the foot patrol.

### 343.4 COMMUNITY RELATIONS COORDINATOR

The Chief of Police will serve as the community relations coordinator and is responsible for:

- (a) Obtaining department-approved training related to his/her responsibilities.
- (b) Responding to requests from department members and the community for assistance in identifying issues and solving problems related to community relations and public safety.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Community Relations*

---

- (c) Organizing surveys to measure the condition of the department's relationship with the community.
- (d) Working with community groups, department members and other community resources to:
  - 1. Identify and solve public safety problems within the community.
  - 2. Organize programs and activities that help build positive relationships between department members and the community and provide community members with an improved understanding of department operations.
- (e) Working with the Patrol Services Division Commander to develop patrol deployment plans that allow officers the time to participate in community engagement and problem-solving activities.
- (f) Recognizing department and community members for exceptional work or performance in community relations efforts.
- (g) Attending City council and other community meetings to obtain information on community relations needs.
- (h) Assisting with the department's response to events that may affect community relations, such as an incident where the conduct of a department member is called into public question.
- (i) Informing the Chief of Police and others of developments and needs related to the furtherance of the department's community relations goals, as appropriate.

#### **343.5 SURVEYS**

The Chief of Police in conjunction with the City Manager shall decide when a survey of community members is warranted and will work together to solicit the community as appropriate. Survey questions should be designed to evaluate perceptions of the following:

- (a) Overall performance of the Department
- (b) Overall competence of department members
- (c) Attitude and behavior of department members
- (d) Level of community trust in the Department
- (e) Safety, security or other concerns

A written summary of the compiled results of the survey should be provided to the Chief of Police, the City Manager, and other interested parties as appropriate.

#### **343.6 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS**

The Chief of Police should organize or assist with programs and activities that create opportunities for department members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

- (a) Department-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).
- (b) Police-community get-togethers (e.g., cookouts, meals, charity events).

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Community Relations*

---

- (c) Youth leadership and life skills mentoring.
- (d) School resource officer/Drug Abuse Resistance Education (D.A.R.E®).
- (e) Neighborhood Watch and crime prevention programs.

#### **343.7 INFORMATION SHARING**

The Chief of Police should work with the Public Information Officer to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in department operations, comments, feedback, positive events) between the Department and community members. Examples of information-sharing methods include:

- (a) Community meetings.
- (b) Social media (see the Department Use of Social Media Policy).
- (c) Department website postings.

Information should be regularly refreshed, to inform and engage community members continuously.

#### **343.8 LAW ENFORCEMENT OPERATIONS EDUCATION**

The Chief of Police should develop methods to educate community members on general law enforcement operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

- (a) Development and distribution of informational cards/flyers.
- (b) Department website postings.
- (c) Presentations to driver education classes.
- (d) Instruction in schools.
- (e) Department ride-alongs (see the Ride-Alongs Policy).
- (f) Scenario/Simulation exercises with community member participation.
- (g) Youth internships at the Department.
- (h) Citizen academies.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make a complaint to the Department regarding alleged misconduct or inappropriate job performance by department members.

#### **343.9 SAFETY AND OTHER CONSIDERATIONS**

Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, should not allow them to be present in any location or situation that would jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Community Relations*

---

guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

#### **343.10 COMMUNITY ADVISORY COMMITTEE**

The Chief of Police should establish a committee of volunteers consisting of community members, community leaders and other community stakeholders (e.g., representatives from schools, churches, businesses, social service organizations). The makeup of the committee should reflect the demographics of the community as much as practicable.

The committee should convene regularly to:

- (a) Provide a public forum for gathering information about public safety concerns in the community.
- (b) Work with the Department to develop strategies to solve public safety problems.
- (c) Generate plans for improving the relationship between the Department and the community.
- (d) Participate in community outreach to solicit input from community members, including youth from the community.

The Training Manager should arrange for initial and ongoing training for committee members on topics relevant to their responsibilities.

The Chief of Police may include the committee in the evaluation and development of department policies and procedures and may ask them to review certain personnel complaints for the purpose of providing recommendations regarding supervisory, training or other issues as appropriate.

##### **343.10.1 LEGAL CONSIDERATIONS**

The Chief of Police should work with the City Attorney as appropriate to ensure the committee complies with any legal requirements such as public notices, records maintenance and any other associated obligations or procedures.

#### **343.11 TRANSPARENCY**

The Department should periodically publish statistical data and analysis regarding the department's operations. The reports should not contain the names of officer, suspects or case numbers. The Chief of Police should work with the community advisory committee to identify information that may increase transparency regarding department operations.

#### **343.12 TRAINING**

Subject to available resources, members should receive training related to this policy, including training on topics such as:

- (a) Effective social interaction and communication skills.
- (b) Cultural, racial and ethnic diversity and relations.



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Community Relations*

---

- (c) Building community partnerships.
- (d) Community policing and problem-solving principles.
- (e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

#### **343.13 ANNUAL REPORT**

The Chief of Police in conjunction with the Department's members assigned to community policing functions should prepare an annual report concerning the progress of their individual programs and the collective efforts of the Department towards its community policing initiative.

Community Policing Specialized Assignments include, but are not limited to:

- Crime Prevention Officer
- Downtown Community Police Officer
- North Boardman Community Police Officer
- School Resource Officer(s)

## **Chapter 4 - Patrol Operations**

## Patrol

### 400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function and address intraorganizational cooperation and information sharing.

### 400.2 POLICY

The Traverse City Police Department provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and department members.

### 400.3 FUNCTION

Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of Traverse City. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

- (a) Responding to emergency calls for service.
- (b) Apprehending criminal offenders.
- (c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.
- (d) Preventing criminal acts, traffic violations and collisions, maintaining public order and discovering hazardous situations or conditions.
- (e) Responding to reports of both criminal and non-criminal acts.
- (f) Responding to routine calls for service, such as public assistance or public safety.
- (g) Directing and controlling traffic.
- (h) Carrying out crime prevention activities, such as residential inspections, business inspections and community presentations.
- (i) Carrying out community-oriented policing and problem-solving activities, including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.

### 400.4 INFORMATION SHARING

To the extent feasible, all information relevant to the mission of the Department should be shared among all divisions and specialized units on a timely basis. Members should be provided with opportunities on a regular basis to share information during the daily roll calls and to attend roll calls of other divisions or specialized units.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Patrol*

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Additionally, information should be shared with outside agencies and the public in conformance with department policies and applicable laws. Members are encouraged to share information with other units and divisions.

#### **400.5 CROWDS, EVENTS AND GATHERINGS**

Officers may encounter gatherings of people, including, but not limited to, civil demonstrations, public displays, parades, sporting events and civic, social and business events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action.

Generally, officers should consider seeking compliance through advisements and warnings for minor violations, and should reserve greater enforcement options for more serious violations or when voluntary compliance with the law is not achieved.

Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety concerns.

## Bias-Based Policing

### 401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Traverse City Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

#### 401.1.1 DEFINITIONS

Definitions related to this policy include:

**Bias-based policing** - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

### 401.2 POLICY

The Traverse City Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

### 401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

### 401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any bias-based actions by another member.

#### 401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Bias-Based Policing*

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Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

#### 401.4.2 REPORTING TRAFFIC STOPS

Each time an officer makes a traffic stop, the officer shall report any information as required in the Traffic and Parking Citations Policy.

#### **401.5 SUPERVISOR RESPONSIBILITIES**

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
  - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review Mobile Audio/Video (MAV) recordings, portable audio/video recordings, Mobile Data Terminal (MDT) data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.
  - (a) Supervisors shall minimally conduct a biannual review in conjunction with Performance Evaluations.
    - (a) This requirement does not prohibit supervisors from conducting more frequent reviews.
    - (b) Supervisors should document these periodic reviews in the Guardian Tracking System through the creation of a Biased Based Policing Supervisor Review Report (BBP Supervisor Review Report)..
    - (c) Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
  - (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
  - (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

#### 401.5.1 CORRECTIVE ACTION

Supervisors shall initiate the appropriate corrective action based on the seriousness of the bias-influenced policing violation.

#### **401.6 ADMINISTRATION**

The Patrol Services Division Commander should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police. The report will also include a summary of supervisor MAV reports. The annual report should not contain any identifying information about any specific complaint, member

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Bias-Based Policing*

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of the public or officer. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

The annual report shall be generated in part from information collected through the Guardian Tracking System as it applies to Personnel Complaints alleging and/or substantiating biased-base policing activity.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

#### **401.7 TRAINING**

Training on fair and objective policing and review of this policy should be conducted as directed by the Training Manager.

##### **401.7.1 REQUIRED TRAINING**

Training on the impropriety of racial and biased-based policing, including legal requirements and sanctions, shall be conducted at least every three years.

## Roll Call

### 402.1 PURPOSE AND SCOPE

This policy discusses the activity of roll call and includes the tasks that should be accomplished during this short period.

### 402.2 POLICY

Roll call is intended to facilitate the accurate flow of information in order to enhance coordination of activities, improve performance and safety, and outline the expected actions of members.

### 402.3 ROLL CALL

All divisions and specialized units will conduct regular roll call to discuss, disseminate and exchange information among department members, work groups and other organizations. A supervisor generally will conduct roll call. However, the supervisor may delegate this responsibility to a subordinate member in his/her absence or for training purposes.

Roll call should include, but is not limited to:

- (a) Providing members with information regarding daily activities, with particular attention given to changes in the status of:
  - 1. Wanted persons.
  - 2. Crime patterns.
  - 3. Suspect descriptions.
  - 4. Intelligence reports and photographs.
  - 5. Community issues affecting law enforcement.
  - 6. Major investigations.
- (b) Notifying members of changes in schedules and assignments.
- (c) Reviewing recent incidents for situational awareness and training purposes.
- (d) Providing training on a variety of subjects.
- (e) Conducting periodic personnel inspections.

Supervisors should also ensure that all members are informed about Departmental Directives and any recent policy changes.

#### 402.3.1 RETENTION OF ROLL CALL TRAINING RECORDS

Roll call training materials and a curriculum or summary shall be forwarded to the Training Manager for inclusion in training records, as appropriate, by use of the Guardian Tracking System.



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Roll Call*

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#### **402.4 PREPARATION OF MATERIALS**

The member conducting roll call is responsible for preparation of the materials necessary for a constructive roll call.

#### **402.5 TRAINING**

Roll call training should incorporate short segments on a variety of subjects or topics and may include:

- (a) Review and discussion of new or updated policies.
- (b) Presentation and discussion of the proper application of existing policy to routine daily activities.
- (c) Presentation and discussion of the proper application of existing policy to unusual activities.
- (d) Review of recent incidents for training purposes.

## Crime and Disaster Scene Integrity

### 403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

### 403.2 POLICY

It is the policy of the Traverse City Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

### 403.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, it shall be maintained until the officer is properly relieved by a supervisor or other designated person.

### 403.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

### 403.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Crime and Disaster Scene Integrity*

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Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

##### 403.5.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

#### **403.6 SCENE-SPECIFIC CONSIDERATIONS**

##### 403.6.1 IMMEDIATE REMOVAL OF VEHICLES FROM PROPERTY

This department or a governmental agency designated by this department may provide for the immediate removal of a vehicle from public or private property to a place of safekeeping at the expense of the last-titled owner when removal is necessary to preserve evidence, there is reasonable cause to believe the vehicle was used in the commission of a crime or when removal is necessary in the interest of public safety because of a fire, flood, storm, snow, natural or man-made disaster, or other emergency (MCL 257.252d).

##### 403.6.2 METHAMPHETAMINE REPORTING AND RESPONSE

This department shall report to the Michigan State Police any incident which primarily involves the manufacture, possession, use or distribution of methamphetamine (MCL 28.192).

This department shall report the discovery of a clandestine drug laboratory within 48 hours to the Michigan Department of Community Health, the local health department and any other appropriate enforcing agency. This department shall post a notice on the premises which states potential contamination exists and may constitute a hazard to the health or safety of occupants (MCL 125.485a).

This department shall also comply with the Michigan Drug Endangered Children Response and Medical protocols, including any necessary notifications to the Department of Health and Human Services. Only Michigan Occupational Safety and Health Administration-certified members wearing appropriate safety and protective equipment may enter a location believed to be a clandestine drug lab.

## Ride-Alongs

### 405.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for a ride-along with members of the Traverse City Police Department. This policy provides the requirements, approval process, hours of operation and member responsibilities for ride-alongs.

### 405.2 POLICY

Ride-along opportunities will be provided to the members of the public, City employees and members of this department to observe and experience, first-hand, various functions of the Traverse City Police Department. The term "ride-along" includes riding as a passenger with an officer on patrol or observing the work day of members engaged in other functions within the Department, such as the Detective Bureau.

### 405.3 ELIGIBILITY

A ride-along is available to Traverse City residents and business owners, students currently attending class in Traverse City, students studying law enforcement or a related field and those employed within the City of Traverse City and specified organizations as part of their community program(s). Efforts will be made to accommodate all interested persons. However, any applicant may be disqualified without cause from participating.

Factors that are considered in qualifying/disqualifying an applicant include, but are not limited to:

- Age of the Applicant; an applicant must be a minimum of 18 years of age.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against this department or the City.
- Denial by any supervisor.

### 405.4 AVAILABILITY

A ride-along or job observation is available most days of the week, from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Chief of Police, Division Commander, or Shift Commander.

### 405.5 REQUESTS TO PARTICIPATE

Generally, ride-along requests will be maintained and scheduled by the Shift Commander. The applicant will complete and sign a ride-along liability waiver as well as the agreements outlined in the Protected Information Policy. Information requested will include a valid state-issued identification card or driver's license number, birthdate, address and telephone number.

The Shift Commander will schedule a date, based on availability, generally one week after the date of application. If approved, a copy of the waiver form will be forwarded to the appropriate division as soon as possible for scheduling considerations.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Ride-Alongs*

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If the request is denied, a representative of this department will advise the applicant of the denial.

[Procedure Manual: 405 Ride-Alongs](#)

#### **405.6 PROCESS**

Once approved, ride-along applicants will be allowed to participate no more than once every six months. An exception may apply to the following law enforcement-involved participants:

- Active Reserve Officers
- Traverse City Police Department applicants
- Any others with approval of the Shift Commander
- Students enrolled in department-approved training programs such as:
  - Criminal Justice
  - Law Enforcement
  - Public Safety
  - Protective Services
  - Central Dispatch

An effort will be made to ensure that no more than one member of the public will participate in a ride-along during any given time period. Normally, no more than one ride-along participant will be allowed in department vehicles at a given time.

##### **405.6.1 OFF-DUTY PARTICIPATION**

Off-duty members of this department or any other law enforcement agency, and employees of the City, will not be permitted to participate in a ride-along with on-duty members of this department without the express consent of the Shift Commander.

In the event that such participation is permitted, the off-duty department member, other law enforcement agency personnel or City employee shall not:

- (a) Be considered on-duty.
- (b) Represent him/herself as a member of this department or any other law enforcement agency.
- (c) Participate in any law enforcement activity except as emergency circumstances may require.

##### **405.6.2 CRIMINAL HISTORY CHECK**

All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Criminal Justice Information Systems (CJIS) check prior to approval of the ride-along.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Ride-Alongs*

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##### 405.6.3 SUITABLE ATTIRE

Any person approved to participate in a ride-along is required to be suitably dressed in a collared shirt, blouse or jacket, slacks and shoes. Sandals, t-shirts, tank tops, shorts and ripped or torn pants are not permitted. Hats and ball caps will not be worn without the express consent of the Shift Commander. The Shift Commander or a supervisor may refuse a ride-along to anyone who is not dressed appropriately.

##### **405.7 MEMBER RESPONSIBILITIES**

The assigned department member shall consider the safety of the ride-along or job observation participant at all times. The member shall maintain control over the participant and shall instruct the individual about the conditions that necessarily limit his/her participation. Instructions should include:

- (a) The participant will follow the directions of the department member.
- (b) The participant will not become involved in any investigation, handling of evidence, discussions with victims or suspects, reading an individual's criminal history or other protected information, or handling any police department equipment.
- (c) Participation may be terminated at any time by the member if the participant interferes with the performance of the member's duties.
  1. If the ride-along is in progress, the member may return the participant to the point the ride originated.
- (d) Participants may be allowed to continue a ride-along during the transportation and booking process, provided it does not jeopardize their safety.
- (e) Members will not allow participants to be present in any location or situation that would jeopardize the participant's safety or cause undue stress or embarrassment to a victim or any other member of the public.
- (f) Participants who are not law enforcement officers shall not be permitted to accompany the department member into a private residence without the express consent of the resident or other authorized person.

The member assigned to provide a ride-along shall advise the dispatcher that a ride-along participant is present in the vehicle before going into service. An officer with a ride-along participant should use sound discretion when encountering a potentially dangerous situation, such as a high-speed pursuit and, if feasible, let the participant out of the vehicle in a well-lit public place. The dispatcher will be advised of the situation and as soon as practicable have another department member respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride, or is otherwise inappropriate, should be immediately reported to the Shift Commander. The member should enter comments regarding the reasons for terminating the ride-along on the waiver form.

# Traverse City Police Department

TCPD Policy Manual

TCPD Policy Manual

## *Ride-Alongs*

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Upon completion of the ride-along, the member shall return the waiver form to the Shift Commander.

# Hazardous Material Response

## 406.1 PURPOSE AND SCOPE

Exposure to hazardous materials presents potential harm to department members and the public. This policy outlines the responsibilities of members who respond to these events and the factors that should be considered while on-scene, including the reporting of exposures and supervisor responsibilities.

### 406.1.1 DEFINITIONS

Definitions related to this policy include:

**Hazardous material** - A substance which, by its nature, containment or reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

## 406.2 POLICY

It is the policy of the Traverse City Police Department to respond to hazardous material emergencies with due regard for the safety of the public and those members responding to such incidents.

## 406.3 HAZARDOUS MATERIAL RESPONSE

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill or fire. When members come into contact with a suspected hazardous material, they should take certain steps to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond to and mitigate most incidents involving hazardous materials and biohazards.

Responders should not perform tasks or use equipment without proper training. A responder entering the area may require decontamination before he/she is allowed to leave the scene, and should be evaluated by appropriate technicians and emergency medical services personnel for signs of exposure.

## 406.4 CONSIDERATIONS

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Make the initial assessment of a potentially hazardous material from a safe distance.
- (b) Notify Central Dispatch, appropriate supervisors, the appropriate fire department and hazardous response units.
  1. Provide weather conditions, wind direction, a suggested safe approach route and any other information pertinent to responder safety.
- (c) Wear personal protective gear, being cognizant that some hazardous material can be inhaled.



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Hazardous Material Response*

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- (d) Remain upwind, uphill and at a safe distance, maintaining awareness of weather and environmental conditions, until the material is identified and a process for handling has been determined.
- (e) Attempt to identify the type of hazardous material from a safe distance using optical aids (binoculars or spotting scopes) if they are available. Identification can be determined by:
  - 1. Placards or use of an emergency response guidebook.
  - 2. Driver's statements or shipping documents from the person transporting the material.
  - 3. Information obtained from any involved person with knowledge regarding the hazardous material. Information should include:
    - (a) The type of material.
    - (b) How to secure and contain the material.
    - (c) Any other information to protect the safety of those present, the community and the environment.
- (f) Provide first aid to injured parties if it can be done safely and without contamination.
- (g) Make reasonable efforts to secure the scene to prevent access from unauthorized individuals and to protect and identify any evidence.
- (h) Begin evacuation of the immediate and surrounding areas, dependent on the material. Voluntary evacuation should be considered; mandatory evacuation may be necessary and will depend on the type of material.
- (i) Establish a decontamination area when needed.
- (j) Activate automated community notification systems, if applicable.
- (k) Notify the local fire department, the state bureau of fire services and the state police, if not already notified (MCL 29.5g; MCL 480.19).

#### **406.5 REPORTING EXPOSURE**

Department members who believe they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the member in an incident report that shall be forwarded via chain of command to the Shift Commander as soon as practicable. Should the affected member be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

Injury or illness caused or believed to be caused by exposure to hazardous materials shall be reported the same as any other on-duty injury or illness, in addition to a crime report or incident report as applicable.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Hazardous Material Response*

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##### 406.5.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that a member has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to mitigate the exposure or continued exposure.

To ensure the safety of members, safety equipment is available from supervisors. Safety items not maintained by this department may be available through the appropriate fire department or emergency response team.

## Hostage and Barricade Incidents

### 407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

#### 407.1.1 DEFINITIONS

Definitions related to this policy include:

**Barricade situation** - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

**Hostage situation** - An incident where it is reasonable to believe a person is:

- Unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.
- Unlawfully held against his/her will under threat or actual use of force.

### 407.2 POLICY

It is the policy of the Traverse City Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

### 407.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands, and the available resources.

### 407.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Hostage and Barricade Incidents*

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The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

#### 407.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. In the interim, the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (d) Provide responding emergency personnel with a safe arrival route to the location.
- (e) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.
- (f) Attempt to obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
- (g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
- (h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer (PIO).
- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Hostage and Barricade Incidents*

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- (k) Establish a command post.

#### 407.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated, if practicable, pending further interview.
- (e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.
- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (i) Attempt to obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- (j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- (k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the PIO.
- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Hostage and Barricade Incidents*

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##### **407.5 SUPERVISOR RESPONSIBILITIES**

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting Emergency Response Team (ERT) response if appropriate and apprising the ERT Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
- (b) Ensure the completion of necessary first responder responsibilities or assignments.
- (c) Request crisis negotiators, specialized assignment members, additional department members, resources or equipment as appropriate.
- (d) Establish a command post location as resources and circumstances permit.
- (e) Designate assistants who can help with intelligence information and documentation of the incident.
- (f) If it is practicable to do so, arrange for video documentation of the operation.
- (g) Consider contacting utility and communication providers when restricting such services (e.g., electric power, gas, telephone service).
- (h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct nonessential personnel away from the scene unless they have been summoned by the supervisor or Central Dispatch.
- (i) Identify a media staging area outside the outer perimeter and have the department PIO or a designated temporary media representative provide media access in accordance with the Media Relations Policy.
- (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.

##### **407.6 ERT RESPONSIBILITIES**

It will be the ERT Commander's decision, with input from the Incident Commander, whether to deploy the ERT during a hostage or barricade situation. Once the ERT Commander authorizes deployment, the ERT Commander or the authorized designee will be responsible for the tactical response and negotiations. The Incident Commander shall continue to supervise the command post operation, outer perimeter security, evacuation and media access, and will support the ERT. The Incident Commander and the ERT Commander or the authorized designees shall maintain direct communications at all times.

##### **407.7 REPORTING**

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

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## Response to Bomb Calls

### 408.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Traverse City Police Department in their initial response to incidents involving explosives or explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

### 408.2 POLICY

It is the policy of the Traverse City Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

### 408.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Shift Commander is immediately advised and informed of the details. This will enable the Shift Commander to ensure that the appropriate personnel are dispatched, and, as appropriate, the threatened location is given an advance warning.

### 408.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

#### 408.4.1 TRAVERSE CITY POLICE DEPARTMENT FACILITY

If the bomb threat is against the Traverse City Police Department facility, the Shift Commander will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

#### 408.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Traverse City Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Shift Commander deems appropriate.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Response to Bomb Calls*

---

##### **408.4.3 FEDERAL BUILDING OR PROPERTY**

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

##### **408.5 PRIVATE FACILITY OR PROPERTY**

When a member of this department receives notification of a bomb threat at a location in the City of Traverse City, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

- (a) The location of the facility.
- (b) The nature of the threat.
- (c) Whether the type and detonation time of the device is known.
- (d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.
- (e) Whether the individual is requesting police assistance at the facility.
- (f) Whether there are any internal facility procedures regarding bomb threats in place, such as:
  1. No evacuation of personnel and no search for a device.
  2. Search for a device without evacuation of personnel.
  3. Evacuation of personnel without a search for a device.
  4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Shift Commander is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

##### **408.5.1 ASSISTANCE**

The Shift Commander should be notified when police assistance is requested. The Shift Commander will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Shift Commander determine that the Department will assist or control such an incident, he/she will determine:



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Response to Bomb Calls*

---

- (a) The appropriate level of assistance.
- (b) The plan for assistance.
- (c) Whether to evacuate and/or search the facility.
- (d) Whether to involve facility staff in the search or evacuation of the building.
  - 1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
  - 2. The safety of all participants is the paramount concern.
- (e) The need for additional resources, including:
  - 1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

#### **408.6 FOUND DEVICE**

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- (b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
- (c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes:
  - 1. Two-way radios.
  - 2. Cell phones.
  - 3. Other personal communication devices.
- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Search the area for secondary devices as appropriate and based upon available resources.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Response to Bomb Calls*

---

- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Promptly relay available information to the Shift Commander including:
  - 1. The time of discovery.
  - 2. The exact location of the device.
  - 3. A full description of the device (e.g., size, shape, markings, construction).
  - 4. The anticipated danger zone and perimeter.
  - 5. The areas to be evacuated or cleared.

#### **408.7 EXPLOSION/BOMBING INCIDENTS**

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, contamination of the scene by gathering crowds, or any additional damage from fires or unstable structures.

##### 408.7.1 CONSIDERATIONS

Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

- (a) Assess the scope of the incident, including the number of victims and extent of injuries.
- (b) Request additional personnel and resources, as appropriate.
- (c) Assist with first aid.
- (d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.
- (e) Assist with the safe evacuation of victims, if possible.
- (f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
- (g) Preserve evidence.
- (h) Establish an outer perimeter and evacuate if necessary.
- (i) Identify witnesses.

##### 408.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional department personnel, such as investigators and forensic services

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Response to Bomb Calls*

---

- Field supervisor
- Shift Commander
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

#### **408.8 CROWD CONTROL**

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

##### **408.8.1 PRESERVATION OF EVIDENCE**

As in any other crime scene, steps should immediately be taken to preserve the scene. The Shift Commander should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be embedded in nearby structures or hanging in trees and bushes.

## Crisis Intervention Incidents

### 409.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

#### 409.1.1 DEFINITIONS

Definitions related to this policy include:

**Person in crisis** - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; noncompliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

### 409.2 POLICY

The Traverse City Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved. It is the policy of the Traverse City Police Department to respond to incidents involving individuals with mental or behavioral health problems with professionalism, compassion, and concern for the safety of all involved.

During these incidents' officers may use the Crisis Intervention Team (CIT) as a resource for identifying and providing services for the individual in crisis.

[Procedure Manual: 409.1 CRISIS INTERVENTION TEAM](#)

### 409.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Crisis Intervention Incidents*

---

- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation or lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these signs should not be treated as proof of the presence or absence of a mental health issue or crisis.

#### **409.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS**

The Chief of Police should designate an appropriate Division Commander to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

##### 409.4.1 COUNTY INTERAGENCY AGREEMENT

The Department will actively participate in the county interagency agreement regarding assistance for individuals with serious mental illnesses (MCL 330.1207a).

#### **409.5 FIRST RESPONDERS**

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.
- (f) Secure the scene and clear the immediate area as necessary.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Crisis Intervention Incidents*

---

- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

Officers should follow all procedures set forth by the county interagency agreement when responding to individuals in crisis (MCL 330.1207a).

#### **409.6 DE-ESCALATION**

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm and courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (i.e., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

#### **409.7 INCIDENT ORIENTATION**

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Crisis Intervention Incidents*

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- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents or suicide threats/attempts, and whether there has been previous police response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

#### **409.8 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.
- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Absent an imminent threat to the public, consider strategic disengagement. This may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Division Commander.
- (f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

In the absence of a supervisor during the initial patrol response to a crisis incident, the senior CIT Officer on scene has the authority to direct police activities. The CIT Officer shall relinquish such authority when relieved by or at the direction of a supervisor. Non-CIT trained supervisors shall confer when possible with CIT officers in a unified effort to obtain a positive outcome in a crisis incident.

#### **409.9 INCIDENT REPORTING**

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

##### **409.9.1 DIVERSION**

Individuals who are not being arrested should be processed in accordance with the Civil Commitments Policy.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Crisis Intervention Incidents*

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#### **409.10 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS**

Civilian or clerical members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

#### **409.11 EVALUATION**

The Division Commander designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

#### **409.12 TRAINING**

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

All department members will receive training regarding persons in crisis as part of their initial training.

All department members will receive refresher training, at least bi-annually, regarding dealing with persons in crisis.

#### **409.13 THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE ONE MIND CAMPAIGN**

The Traverse City Police Department is committed to voluntary compliance with the criteria and requirements established in the International Association of Chiefs of Police, One Mind Campaign.

The One Mind Campaign seeks to ensure successful interactions between police officers and persons affected by mental illness. The initiative focuses on uniting local communities, public safety organizations, and mental health organizations so that the three become "of one mind." To join the campaign, law enforcement agencies must pledge to implement four promising practices over a 12-36 month time frame.

These practices include:



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Crisis Intervention Incidents*

---

- (a) Establishing a clearly defined and sustainable partnership with a community mental health organization.
- (b) Developing a model policy to implement police response to persons affected by mental illness.
- (c) Training and certifying sworn officers and selected non-sworn staff in mental health first aid training or other equivalent mental health awareness course.
- (d) Providing crisis intervention team training.

## Civil Commitments

### 410.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place a person under civil commitment (MCL 330.1427).

### 410.2 POLICY

It is the policy of the Traverse City Police Department to protect the public and individuals through legal and appropriate use of civil commitment process.

### 410.3 AUTHORITY

An officer may take into protective custody and transport to a preadmission screening unit or other designated site any person who the officer observes acting in a manner that causes the officer to reasonably believe the person requires treatment as defined in MCL 330.1401 (MCL 330.1427).

An officer shall take a person into protective custody and transport him/her immediately to the preadmission screening unit or designated hospital when ordered to do so by the court or when presented with a petition for hospitalization and a clinical certificate by a medical doctor or licensed psychologist (MCL 330.1426; MCL 330.1455; MCL 330.1436; MCL 330.1438; MCL 330.1469a; MCL 330.1475). An officer taking a person into protective custody shall inform the person that he/she is not under arrest (MCL 330.1427a(2)).

#### 410.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for civil commitment, he/she may inquire as to whether the person desires to be voluntarily evaluated at an appropriate facility. If the person so desires, the officer should:

- (a) Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person.
- (b) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

If at any point the person changes his/her mind regarding voluntary evaluation, the officers should proceed with the application for hospitalization, if appropriate.

### 410.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving a person who may qualify for detention for the purpose of civil commitment should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the possible cause and nature of the person's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Civil Commitments*

---

- (d) Community or other resources that may be readily available to assist with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Civil commitments should be preferred over arrest for people who have mental health issues and are suspected of committing minor crimes or creating other public safety issues.

#### **410.5 TRANSPORTATION**

When transporting any individual for civil commitment, the transporting officer should have Central Dispatch notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in the patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Shift Commander approval is required before transport commences.

#### **410.6 TRANSFER TO APPROPRIATE FACILITY**

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the written application for hospitalization and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

#### **410.7 DOCUMENTATION**

The officer who determines a person is in need of treatment and takes the person into protective custody for a civil commitment shall complete a petition for hospitalization, provide it to the facility staff member assigned to the person, and retain a copy for inclusion in the case report (MCL 330.1427).

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

The officer shall also prepare a report indicating the date, time, and place of the protective custody. The report shall not be treated as an arrest or criminal record (MCL 330.1427a).

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Civil Commitments*

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#### **410.8 CRIMINAL OFFENSES**

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken into custody through a civil commitment should resolve the criminal matter by issuing a warning or a citation, as appropriate.

When an individual who may qualify for a civil commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the detention.
- (c) Facilitate the individual's transfer to jail.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for civil commitment.

In the supervisor's judgment, the individual may instead be transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

#### **410.9 FIREARMS AND OTHER WEAPONS**

Whenever a person is taken into custody for a civil commitment, the handling officers should seek to determine if the person owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent) (MCL 330.1427a(1)).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling officer should further advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody.

#### **410.10 TRAINING**

This department will endeavor to provide department-approved training on interaction with mentally disabled persons, civil commitments and crisis intervention.

All department members will receive training regarding persons in crisis as part of their initial training.

All department members will receive refresher training, at least bi-annually, regarding dealing with persons in crisis.

## Appearance Ticket

### 411.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Traverse City Police Department with guidance on when to release adults who are suspected offenders on an appearance ticket for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

Additional release restrictions may apply to those detained for domestic violence, as outlined in the Domestic Violence Policy.

### 411.2 POLICY

The Traverse City Police Department will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on an appearance ticket, when authorized to do so.

### 411.3 RELEASE

A suspected offender shall be released on issuance of an appearance ticket for an arrest on a misdemeanor or ordinance violation that is punishable by not more than one year in jail and/or a fine except (MCL 764.9c):

- (a) In cases where a reason for non-release as described in this policy exists.
- (b) In cases that involve one of the following: assault, assault and battery, aggravated assault involving domestic violence or a violation involving domestic violence, or an operating while intoxicated offense.

A suspected offender may also be released on issuance of an appearance ticket for an arrest without a warrant on any other misdemeanor or ordinance violation except in cases where a prohibition on release as described in this policy exists (MCL 764.9c).

The issued appearance ticket should be forwarded to the court and/or prosecuting attorney for review as soon as practicable (MCL 764.9c).

#### 411.3.1 REASONS FOR NON-RELEASE

A suspected offender arrested for a misdemeanor or ordinance violation requiring release on an appearance ticket may be taken into custody if a reason for non-release exists. The Shift Commander may authorize release on a citation regardless of whether a reason for non-release exists when it is determined to be in the best interest of the Department and does not present an unreasonable risk to the community (e.g., release of an intoxicated or ill person to a responsible adult) (MCL 764.9c).

Reasons for non-release are (MCL 764.9c):

- (a) The suspected offender refuses to follow the reasonable instructions of the officer.
- (b) The suspected offender will not offer satisfactory evidence of identification.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Appearance Ticket*

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- (c) There is a reasonable likelihood that the offense will continue or resume, or that another person or property will be endangered if the arrestee is released.
- (d) The suspected offender presents an immediate danger to him/herself or requires immediate medical attention.
- (e) The suspected offender requests to be taken immediately before a magistrate.
- (f) Any other reason that the officer deems reasonable as articulated in the arrest report.

#### 411.3.2 ADDITIONAL REQUIREMENTS

When a suspected offender arrested for a misdemeanor offense is not released on an appearance ticket, the officer shall (MCL 764.9c):

- (a) Take the arrested person before a magistrate.
- (b) Promptly file a complaint.
- (c) Specify the reason for non-release in the arrest report.
- (d) Forward that report to the prosecuting authority without delay.

#### 411.4 PROHIBITIONS

The release of a suspected offender on an appearance ticket is not permitted when the person (MCL 764.9c; MCL 764.13):

- (a) Is arrested on a felony charge.
- (b) Has not met a condition of bond or release.
- (c) Is arrested for a serious misdemeanor (MCL 780.811).
- (d) Is arrested for any other assaultive crime (MCL 770.9a).

See the Domestic Violence Policy for release restrictions related to those investigations.

#### 411.5 CONSIDERATIONS

In determining whether to issue an appearance ticket to a person when discretion is permitted, officers should consider:

- (a) The type of offense committed.
- (b) The known criminal history of the suspected offender.
- (c) The ability to identify the suspected offender with reasonable certainty.
- (d) Whether there is any record of the individual failing to appear in previous cases or other articulable indications that the individual may not appear in court for this offense.
- (e) The individual's ties to the area, such as residence, employment or family.
- (f) Whether there is reasonable likelihood that criminal conduct by the individual will continue.

# Foreign Diplomatic and Consular Representatives

## 412.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Traverse City Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

## 412.2 POLICY

The Traverse City Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

## 412.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol or, in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll-free at 866-217-2089, or at another current telephone number, and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Foreign Diplomatic and Consular Representatives*

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#### **412.4 ENFORCEMENT ACTION**

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
  - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving, may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
  - 1. Diplomatic-level staff of missions to international organizations and recognized family members
  - 2. Diplomatic agents and recognized family members
  - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
  - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
  - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents
  - 2. Support staff of missions to international organizations
  - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries
  - 4. Honorary consular officers

#### **412.5 DOCUMENTATION**

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

#### **412.6 DIPLOMATIC IMMUNITY**

Reference table on diplomatic immunity:



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Foreign Diplomatic and Consular Representatives*

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
<b>Diplomatic Agent</b>	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
<b>Member of Admin and Tech Staff</b>	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
<b>Service Staff</b>	Yes (note (a))	Yes	Yes	Yes	No for official acts Yes otherwise (note (a))	No immunity or inviolability (note (a))
<b>Career Consul Officer</b>	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts Yes otherwise (note (a))	No immunity or inviolability
<b>Honorable Consul Officer</b>	Yes	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise	No immunity or inviolability
<b>Consulate Employees</b>	Yes (note (a))	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise (note (a))	No immunity or inviolability (note (a))
<b>Int'l Org Staff (note (b))</b>	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts Yes otherwise (note (c))	No immunity or inviolability
<b>Diplomatic-Level Staff of Missions to Int'l Org</b>	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity and inviolability)
<b>Support Staff of Missions to Int'l Orgs</b>	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Foreign Diplomatic and Consular Representatives*

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- (a) This table represents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety or the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

## Rapid Response and Deployment

### 413.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist officers in situations that call for rapid response and deployment.

### 413.2 POLICY

The Traverse City Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those who are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

### 413.3 CONSIDERATIONS

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

### 413.4 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to incidents at other locations.

When deciding on a course of action officers should consider:

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Rapid Response and Deployment*

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- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advancement or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the officers have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.
- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In the case of a barricaded or trapped suspect, with no hostages and no immediate threat to others, officers should consider covering escape routes and evacuating persons as appropriate, while summoning and waiting for additional assistance (e.g., special tactics and/or hostage negotiation team response).

#### **413.5 PLANNING**

The Patrol Services Division Commander should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment venues and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.
- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Rapid Response and Deployment*

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#### **413.6 TRAINING**

The Training Manager should include rapid response to critical incidents in the training plan. This training should address:

- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment venues and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, breaching tool and control device training.
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

## Immigration Violations

### 414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Traverse City Police Department relating to immigration and interacting with federal immigration officials.

### 414.2 POLICY

It is the policy of the Traverse City Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

### 414.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Michigan constitutions.

### 414.4 DETENTIONS

An officer should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of federal immigration law may detain the person for a reasonable period of time in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the officer may continue to detain the person for a reasonable period of time if requested by federal immigration officials (8 USC § 1357(g)(10)). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

An officer is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities, or the potential to obstruct a separate investigation outweigh the need for the detention.

An officer should notify a supervisor as soon as practicable whenever an individual is being detained for a criminal immigration violation.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Immigration Violations*

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##### **414.4.1 SUPERVISOR RESPONSIBILITIES**

When notified that an officer has detained an individual and established reasonable suspicion or probable cause to believe the person has violated a criminal immigration offense, the supervisor should determine whether it is appropriate to:

- (a) Transfer the person to federal authorities.
- (b) Lawfully arrest the person for a criminal offense or pursuant to a judicial warrant (see the Law Enforcement Authority Policy).

##### **414.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT**

Generally, an officer should not notify federal immigration officials when booking arrestees at a jail facility. Any required notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

##### **414.6 FEDERAL REQUESTS FOR ASSISTANCE**

Requests by federal immigration officials for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts.

##### **414.7 INFORMATION SHARING**

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

- (a) Sending information to, or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state, or local government entity

##### **414.7.1 IMMIGRATION DETAINERS**

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

##### **414.8 U VISA AND T VISA NONIMMIGRANT STATUS**

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Immigration Violations*

---

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Detective Bureau supervisor assigned to oversee the handling of any related case.

The Detective Bureau supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
  - 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

#### **414.9 TRAINING**

The Training Manager shall ensure officers receive training on this policy.

Training should include:

- (a) Identifying civil versus criminal immigration violations.
- (b) Factors that may be considered in determining whether a criminal immigration offense has been committed.



## Utility Service Emergencies

### 415.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for addressing City utility service emergencies. This policy will address calls for service that are directed to the Police Department.

### 415.2 POLICY

It is the policy of the Traverse City Police Department to appropriately respond to City emergency utility service requests received by this department.

### 415.3 UTILITY SERVICE EMERGENCY

A current contact list of City personnel to be notified in the event of a utility service emergency should be available in Central Dispatch.

#### 415.3.1 WATER LINES

The City's responsibility for water lines ends at the water meter; any break or malfunction in the water system from the water meter to a residence or business is the responsibility of the customer.

If a water line break occurs on the City side of the water meter, public works personnel should be notified as soon as practicable. If the break occurs on the customer side of the meter, reasonable attempts should be made to contact the property owner.

#### 415.3.2 ELECTRICAL LINES

When a power line poses a hazard, a member of this department should be dispatched to the reported location to protect against personal injury or property damage that might be caused by the power line. The fire department, electric company and/or the public works department should be promptly notified, as appropriate.

#### 415.3.3 RESERVOIRS, PUMPS, WELLS

In the event of flooding or equipment malfunctions involving City reservoirs, pumps or wells, the public works department should be contacted as soon as practicable.

#### 415.3.4 NATURAL GAS LINES

All reports of a possible leak of natural gas or damage to a natural gas line shall promptly be referred to the fire department and the local entity responsible for gas lines. A member of this department should be dispatched to the reported location if it appears that assistance such as traffic control or evacuation is needed.

#### 415.3.5 TRAFFIC SIGNALS

A member of this department should be dispatched upon report of a damaged or malfunctioning traffic signal in order to protect against personal injury or property damage that might occur as the result of the damaged or malfunctioning signal. The member will advise the Shift Commander and Central Dispatch of the problem with the traffic signal.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Utility Service Emergencies*

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The dispatcher should make the necessary notification to the appropriate traffic signal maintenance agency as soon as practicable.

The Shift Commander shall be responsible for the decision as to whether or not traffic direction is conducted by members of this department. Once underway, direction will continue until the malfunction is corrected or some other type of acceptable control device is in place.

A decision to place a signal on flash should include a consultation by the Shift Commander with the appropriate traffic signal maintenance agency, unless exigent circumstances exist.

## Aircraft Accidents

### 416.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

#### 416.1.1 DEFINITIONS

Definitions related to this policy include:

**Aircraft** - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

### 416.2 POLICY

It is the policy of the Traverse City Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

### 416.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

### 416.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Aircraft Accidents*

---

##### **416.5 NOTIFICATIONS**

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)
- (d) As specified in the Major Incident Notification policy

##### **416.6 CONTROLLING ACCESS AND SCENE AUTHORITY**

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Medical Examiner.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

##### **416.7 DANGEROUS MATERIALS**

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Aircraft Accidents*

---

- Pressure vessels, compressed gas bottles, accumulators and tires.
- Fluids, batteries, flares and igniters.
- Evacuation chutes, ballistic parachute systems and composite materials.

#### **416.8 DOCUMENTATION**

All aircraft accidents occurring within the City of Traverse City shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of TCPD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

##### **416.8.1 WRECKAGE**

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
  1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

##### **416.8.2 WITNESSES**

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Aircraft Accidents*

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##### **416.9 MEDIA RELATIONS**

In the event of an aircraft crash, the department shall assign a Public Information Officer (PIO). The PIO should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

## Field Training

### 417.1 PURPOSE AND SCOPE

This policy provides guidelines for field training that ensure standardized training and evaluation; facilitate the transition from the academic setting to the actual performance of general law enforcement duties; and introduce the policies, procedures and operations of the Traverse City Police Department. The policy addresses the administration of field training and the selection, supervision, training and responsibilities of the Field Training Officer (FTO).

### 417.2 POLICY

It is the policy of the Traverse City Police Department that all newly hired or appointed officer trainees will participate in field training that is staffed and supervised by trained and qualified FTOs.

### 417.3 FIELD TRAINING

The Department shall establish minimum standards for field training, which should be of sufficient duration to prepare officer trainees for law enforcement duties. The field training is designed to prepare trainees for a patrol assignment and ensure they acquire the skills needed to operate in a safe, productive and professional manner, in accordance with the general law enforcement duties of this department.

To the extent practicable, field training should include procedures for:

- (a) Issuance of training materials to each trainee at the beginning of his/her field training.
- (b) Daily, weekly and monthly evaluation and documentation of the trainee's performance.
- (c) A multiphase structure that includes:
  1. A formal evaluation progress report completed by the FTOs involved with the trainee and submitted to the Training Manager and FTO supervisor.
  2. Assignment of the trainee to a variety of shifts and geographical areas.
  3. Assignment of the trainee to a rotation of FTOs in order to provide for an objective evaluation of the trainee's performance.
- (d) The trainee's confidential evaluation of his/her assigned FTOs and the field training process.
- (e) Retention of all field training documentation in the officer trainee's training file including:
  1. All performance evaluations.
  2. A certificate of completion certifying that the trainee has successfully completed the required number of field training hours.

### 417.4 FTO SUPERVISOR

The Chief of Police shall delegate certain responsibilities to an FTO supervisor. The supervisor shall be appointed by and directly responsible to the Patrol Services Division Commander or the authorized designee. The supervisor shall hold at minimum the rank of Sergeant.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Field Training*

---

The FTO supervisor may appoint a senior FTO or other designee to assist in the coordination of FTOs and their activities.

The responsibilities of the supervisor include, but are not limited to:

- (a) Assignment of trainees to FTOs.
- (b) Conducting FTO meetings.
- (c) Maintaining and ensuring FTO and trainee performance evaluations are completed.
- (d) Maintaining, updating and issuing department training materials to each FTO and trainee.
- (e) Developing ongoing training for FTOs.
- (f) Mentoring and supervising individual FTO performance.
- (g) Monitoring the overall performance of field training.
- (h) Keeping the Shift Commander informed through monthly evaluation reports about the trainees' progress.
- (i) Maintaining a liaison with FTO supervisors from other law enforcement agencies.
- (j) When applicable, maintaining a liaison with police academy staff on recruit officer performance during academy attendance.
- (k) Performing other activities as may be directed by the Patrol Services Division Commander.

The FTO supervisor will be required to successfully complete a training course approved by this department that is applicable to supervision of field training within one year of appointment to this position.

#### **417.5 FTO SELECTION, TRAINING AND RESPONSIBILITIES**

##### **417.5.1 SELECTION PROCESS**

The selection of an FTO will be at the discretion of the Chief of Police or the authorized designee. Selection will be based on the officer's:

- (a) Desire to be an FTO.
- (b) Experience, which shall include a minimum of three years of law enforcement experience, one of which shall be with this department.
- (c) Demonstrated ability as a positive role model.
- (d) Successful completion of an internal oral interview process.
- (e) Evaluation by supervisors and current FTOs.
- (f) Possession of, or ability to obtain, department-approved certification.

An FTO must remain in good standing and may be relieved from FTO duties due to discipline, inappropriate conduct or poor performance.



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Field Training*

---

##### **417.5.2 TRAINING**

An officer selected as an FTO shall successfully complete a MCOLES certified (40-hour) FTO course prior to being assigned as an FTO.

All FTOs must complete an FTO update course approved by this department every three years while assigned to the position of FTO.

##### **417.5.3 TRAINING MATERIALS**

The FTO shall receive training materials outlining the requirements, expectations and objectives of the FTO position. FTOs should refer to their training materials or the FTO supervisor regarding specific questions related to FTO or field training.

##### **417.5.4 RESPONSIBILITIES**

The responsibilities of the FTO include, but are not limited to:

- (a) Issuing his/her assigned trainee field training materials in accordance with the Training Policy.
  1. The FTO shall ensure that the trainee has the opportunity to become knowledgeable of the subject matter and proficient with the skills as set forth in the training materials.
  2. The FTO shall sign off on all completed topics contained in the training materials, noting the methods of learning and evaluating the performance of his/her assigned trainee.
- (b) Completing and reviewing daily performance evaluations with the trainee.
- (c) Completing and submitting a written evaluation on the performance of his/her assigned trainee to the FTO supervisor on a daily basis.
- (d) Completing a detailed weekly performance evaluation of his/her assigned trainee at the end of each week.
- (e) Completing a monthly evaluation report of his/her assigned trainee at the end of each month.
- (f) Providing the shift supervisor with a verbal synopsis of the trainee's activities at the end of each day or during any unusual occurrence needing guidance or clarification.

##### **417.6 ANNUAL REPORT**

The Patrol Division Commander in conjunction with the Field Training Supervisor should complete an annual report to the Chief of Police concerning the progress and status of Field Training Program.

## Air Support

### 418.1 PURPOSE AND SCOPE

The use of air support can be invaluable in certain situations. This policy specifies situations where the use of air support may be requested and the responsibilities for making a request.

### 418.2 POLICY

It is the policy of the Traverse City Police Department to prioritize requests for air support to enhance law enforcement objectives and provide additional safety to officers and the community.

### 418.3 REQUEST FOR AIR SUPPORT

If a supervisor or officer in charge of an incident determines that the use of air support would be beneficial, a request to obtain air support may be made.

#### 418.3.1 CIRCUMSTANCES FOR REQUESTS

Law enforcement air support may be requested under conditions that include, but are not limited to:

- (a) When the safety of officers or the community is in jeopardy and the presence of air support may reduce such hazard.
- (b) When the use of air support will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to officers or the community.
- (c) When air support is needed to locate a person who is lost and whose continued absence constitutes a serious health or safety hazard.
- (d) Vehicle pursuits.
- (e) Pre-planned events or actions that require air support.
- (f) Due to a request under an existing mutual aid agreement.
- (g) When the Shift Commander or equivalent authority determines a reasonable need exists.

#### 418.3.2 ALLIED AGENCY REQUEST

After consideration and approval of the request for air support, the Shift Commander or the authorized designee will call the closest agency having available air support and will apprise that agency of the specific details of the incident prompting the request.

- (a) The Michigan State Police will be the provider of air support in most cases.
- (b) The United States Coast Guard may also be a provider of air support especially in search and rescue missions.
- (c) When authorized by the governor, state military resources may also be made available (MCL 32.559; MCL 32.579).
  1. State military resources are defined as the Michigan National Guard.

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## Contacts and Temporary Detentions

### 419.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

#### 419.1.1 DEFINITIONS

Definitions related to this policy include:

**Consensual encounter** - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

**Field interview (FI)** - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

**Field photographs** - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio/Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

**Pat-down search** - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

**Reasonable suspicion** - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

**Temporary detention** - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

### 419.2 POLICY

The Traverse City Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete an FI, pat-down search or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations and constitutional safeguards.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Contacts and Temporary Detentions*

---

#### **419.3 FIELD INTERVIEWS**

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Traverse City Police Department to strengthen community involvement, community awareness and problem identification.

##### **419.3.1 INITIATING A FIELD INTERVIEW**

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include, but are not limited to, an individual's:

- (a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) Actions suggesting that he/she is engaged in a criminal activity.
- (c) Presence in an area at an inappropriate hour of the day or night.
- (d) Presence in a particular area is suspicious.
- (e) Carrying of suspicious objects or items.
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon.
- (g) Location in proximate time and place to an alleged crime.
- (h) Physical description or clothing worn that matches a suspect in a recent crime.
- (i) Prior criminal record or involvement in criminal activity as known by the officer.

#### **419.4 PAT-DOWN SEARCHES**

Once a lawful contact and detention has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include, but are not limited to:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or area where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Contacts and Temporary Detentions*

---

- (f) Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

#### **419.5 FIELD PHOTOGRAPHS**

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

##### **419.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT**

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should have the individual read and sign the appropriate form accompanying the photograph.

##### **419.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT**

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

##### **419.5.3 DISPOSITION OF PHOTOGRAPHS**

All detainee photographs must be adequately labeled and submitted to the Shift Commander with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Shift Commander should review and forward the photograph to one of the following locations:

- (a) If the photograph and associated FI or documentation is relevant to criminal organization/enterprise enforcement, the Shift Commander will forward the photograph and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.
- (b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Central Records Division.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Contacts and Temporary Detentions*

---

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

#### **419.5.4 SUPERVISOR RESPONSIBILITIES**

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

#### **419.6 WITNESS IDENTIFICATION AND INTERVIEWS**

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

- (a) Identifying all persons present at the scene and in the immediate area.
  - 1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
  - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department members.
  - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

## Criminal Organizations

### 420.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Traverse City Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

#### 420.1.1 DEFINITIONS

Definitions related to this policy include:

**Criminal intelligence system** - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

### 420.2 POLICY

The Traverse City Police Department recognizes that certain criminal activities, including, but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

### 420.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20. Interstate law enforcement intelligence organizations must comply with MCL 752.2 or MCL 752.3.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

#### 420.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, field interview (FI), photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Central Records Division.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Criminal Organizations*

---

Any supporting documentation for an entry shall be retained by the Central Records Division in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Central Records Division are appropriately marked as intelligence information. The Records Supervisor may not purge such documents without the approval of the designated supervisor.

#### 420.3.2 INTERSTATE LAW ENFORCEMENT INTELLIGENCE ORGANIZATIONS

The Chief of Police shall assign a member the responsibility of maintaining a list of interstate intelligence databases organizations that are approved for use. The assigned member shall also notify the legislature and the governor of its membership in any interstate law enforcement intelligence organization no later than February 1 of each year (MCL 752.2; MCL 752.3; MCL 752.4).

#### **420.4 TEMPORARY INFORMATION FILE**

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved criminal intelligence system only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of criminal intelligence system entries.

##### 420.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

- (a) Must only be included upon documented authorization of the responsible department supervisor.
- (b) Should not be originals that would ordinarily be retained by the Central Records Division or Property and Evidence Section, but should be copies of, or references to, retained documents, such as copies of reports, FI forms, Central Dispatch records or booking forms.
- (c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.
- (d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

##### 420.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged.



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Criminal Organizations*

---

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

#### **420.5 INFORMATION RECOGNITION**

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

- (a) Gang indicia associated with a person or residence.
- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Training Manager to train members to identify information that may be particularly relevant for inclusion.

#### **420.6 RELEASE OF INFORMATION**

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

#### **420.7 CRIMINAL STREET GANGS**

The Detective Bureau supervisor should ensure that there are an appropriate number of department members who can:

- (a) Testify as experts on matters related to criminal street gangs and maintain an above-average familiarity with MCL 750.411u.
- (b) Coordinate with other agencies in the region regarding criminal street gang-related crimes and information.
- (c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Criminal Organizations*

---

#### **420.8 TRAINING**

The Training Manager should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

- (a) The protection of civil liberties.
- (b) Participation in a multi-agency criminal intelligence system.
- (c) Submission of information into a multi-agency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.
- (d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.
- (e) The review and purging of temporary information files.

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## Shift Commanders

### 421.1 PURPOSE AND SCOPE

This policy provides guidelines for the designation of a Shift Commander and, as needed, an acting Shift Commander for each shift.

### 421.2 POLICY

Each shift will be directed by a Shift Commander capable of making decisions and managing in a manner consistent with the mission of the Traverse City Police Department. To accomplish this, a Sergeant shall be designated as the Shift Commander for each shift.

### 421.3 DESIGNATION AS ACTING SHIFT COMMANDER

With prior authorization from the Patrol Services Division Commander, generally when a Sergeant is unavailable for duty as Shift Commander, a qualified lower-ranking member shall be designated as acting Shift Commander in accordance with the terms of applicable collective bargaining agreements and the Temporary Supervisors subsection of the Supervision Staffing Levels Policy.

### 421.4 SHIFT COMMANDER RESPONSIBILITIES

The Shift Commander shall have overall responsibility and accountability for the operation of this department on an assigned shift. Duties may include, but are not limited to:

- (a) Ensuring sufficient members are on-duty to accomplish the mission of the Traverse City Police Department.
- (b) Providing command-level oversight of major crime scenes, tactical situations or disasters until relieved by a superior officer.
- (c) Establishing service-level priorities.
- (d) Providing job-related training and guidance to subordinates.
- (e) Acquiring outside resources or providing assistance to other agencies, when applicable.
- (f) Handling service inquiries or complaints from the public.
- (g) Acting as the Public Information Officer when appropriate.
- (h) Managing risk exposure.
- (i) Ensuring the security of all department facilities.
- (j) Ensuring the proper equipment and vehicles are available for member use.
- (k) Representing the Department at community functions.
- (l) Serving as a temporary Division Commander when so designated.

## Mobile Audio/Video

### 422.1 PURPOSE AND SCOPE

The Traverse City Police Department has equipped marked law enforcement vehicles with Mobile Audio/Video (MAV) recording systems to provide records of events and to assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

#### 422.1.1 DEFINITIONS

Definitions related to this policy include:

**Activate** - Any process that causes the MAV/MVR system to transmit or store video or audio data in an active mode.

**In-car camera system and MAV system** - Synonymous terms that refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes, at a minimum, a camera, microphone, recorder and monitor.

**MAV technician** - Personnel certified or trained in the operational use and repair of MAVs, duplicating methods and storage and retrieval methods and who have a working knowledge of video forensics and evidentiary procedures.

**Recorded media** - Audio/video signals recorded or digitally stored on a storage device or portable media.

### 422.2 POLICY

It is the policy of the Traverse City Police Department to use mobile audio/video technology to more effectively fulfill the mission of the Department and to ensure these systems are used securely and efficiently.

### 422.3 OFFICER RESPONSIBILITIES

If assigned properly functioning MAV equipment, prior to going into service, each officer will properly equip him/herself to record audio and video in the field. At the end of the shift, each officer will follow the established procedures for providing to the Department any recordings or used media and any other related equipment. Each officer should have adequate recording media for the entire duty assignment. In the event an officer works at a remote location and reports in only periodically, additional recording media may be issued. Only Traverse City Police Department identified and labeled media with tracking numbers is to be used.

At the start of each shift, officers should test the MAV system's operation in accordance with manufacturer specifications and department operating procedures and training.

If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Mobile Audio/Video*

---

#### **422.4 ACTIVATION OF THE MAV**

The MAV system is designed to turn on whenever the vehicle's emergency lights are activated. The system remains on until it is turned off manually. The audio portion is independently controlled and should be activated manually by the officer whenever appropriate. When audio is being recorded, the video will also record.

##### **422.4.1 REQUIRED ACTIVATION OF THE MAV**

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The MAV system should be activated in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct within video or audio range:
  - 1. Traffic stops (including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
  - 2. Priority responses
  - 3. Vehicle pursuits
  - 4. Suspicious vehicles
  - 5. Arrests
  - 6. Vehicle searches
  - 7. Physical or verbal confrontations or use of force
  - 8. Pedestrian checks
  - 9. Operating while intoxicated (OWI) investigations, including field sobriety tests
  - 10. Consensual encounters
  - 11. Crimes in progress
  - 12. Responding to an in-progress call
- (b) All self-initiated activity in which an officer would normally notify Central Dispatch
- (c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect, including:
  - 1. Domestic violence
  - 2. Disturbance of the peace

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Mobile Audio/Video*

---

3. Offenses involving violence or weapons
  - (d) Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording
  - (e) Any other circumstance where the officer believes that a recording of an incident would be appropriate

Activation of the MAV system is not required when exchanging information with other officers, during breaks or lunch periods, or when not in service or not actively on patrol.

#### 422.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded. For the purpose of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

#### 422.4.3 SURREPTITIOUS RECORDING

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.

#### 422.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of Central Dispatch.

At reasonable intervals, supervisors should validate that:

- (a) Beginning and end-of-shift recording procedures are followed.
- (b) Logs reflect the proper chain of custody, including:
  1. The tracking number of the MAV system media.
  2. The date the media was issued.
  3. The name of the department member or the vehicle to which the media was issued.
  4. The date the media was submitted for retention.
  5. The name of the department member submitting the media.
  6. Holds for evidence indication and tagging as required.
- (c) The operation of MAV systems by new members is assessed and reviewed no less than biweekly.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Mobile Audio/Video*

---

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved traffic accidents), a supervisor shall respond to the scene and ensure that the appropriate person properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

Supervisors may activate the MAV system remotely to monitor a developing situation, such as a chase, riot or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to assist in managing the event. Supervisors shall not remotely activate the MAV system for the purpose of monitoring the conversations or actions of an officer.

#### **422.5 REVIEW OF MAV RECORDINGS**

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the Department is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the Department, MAV technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

- (a) By officers for use when preparing reports or statements
- (b) By a supervisor investigating a specific act of officer conduct
- (c) By a supervisor to assess officer performance
- (d) To assess proper functioning of MAV systems
- (e) By department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation
- (f) By department personnel who request to review recordings
- (g) By an officer who is captured on or referenced in the video or audio data, and reviews and uses such data for any purpose relating to his/her employment
- (h) By court personnel through proper process or with the permission of the Chief of Police or the authorized designee
- (i) By the media through proper process
- (j) To assess possible training value
- (k) For training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the command staff to determine if the training value outweighs the officer's objection.
- (l) As may be directed by the Chief of Police or the authorized designee

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Mobile Audio/Video*

---

Members desiring to view any previously uploaded or archived MAV recording should submit a request in writing to the Shift Commander. Approved requests should be forwarded to the MAV technician for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any member.

#### **422.6 DOCUMENTING MAV USE**

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the officer's report. If a citation is issued, the officer shall make a notation on the back of the records copy of the citation indicating that the incident was recorded.

#### **422.7 RECORDING MEDIA STORAGE AND INTEGRITY**

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained for a minimum of 180 days and disposed of in accordance with the established records retention schedule.

[City of Traverse City, TCPD Records Retention Schedule](#)

##### **422.7.1 COPIES OF ORIGINAL RECORDING MEDIA**

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Chief of Police or the authorized designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

##### **422.7.2 MAV RECORDINGS AS EVIDENCE**

Officers who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense or to a potential claim against the officer or against the Traverse City Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

#### **422.8 SYSTEM OPERATIONAL STANDARDS**

- (a) MAV system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer's recommendations.
- (b) The MAV system should be configured to minimally record for 30 seconds prior to an event.
- (c) The MAV system may not be configured to record audio data occurring prior to activation.



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Mobile Audio/Video*

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- (d) Unless the transmitters being used are designed for synchronized use, only one transmitter, usually the primary initiating officer's transmitter, should be activated at a scene to minimize interference or noise from other MAV transmitters.
- (e) Officers using digital transmitters that are synchronized to their individual MAVs shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.
- (f) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used inside MAV-equipped law enforcement vehicles to minimize the possibility of causing electronic or noise interference with the MAV system.
- (g) Officers shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a supervisor, MAV technician or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.

#### **422.9 MAV TECHNICIAN RESPONSIBILITIES**

The MAV technician is responsible for:

- (a) Ordering, issuing, retrieving, storing, erasing and duplicating of all recorded media.
- (b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected, the MAV technician:
  - 1. Ensures it is stored in a secure location with authorized controlled access.
  - 2. Makes the appropriate entries in the chain of custody log.
- (c) Erasing of media:
  - 1. Pursuant to a court order.
  - 2. In accordance with the established records retention schedule, including reissuing all other media deemed to be of no evidentiary value.
- (d) Assigning all media an identification number prior to issuance to the field:
  - 1. Maintaining a record of issued media.
- (e) Ensuring that an adequate supply of recording media is available.
- (f) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the established records retention schedule.

#### **422.10 TRAINING**

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.

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## Mobile Data Terminal Use

### 423.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Terminal (MDT) system in order to ensure proper access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and Central Dispatch.

### 423.2 POLICY

Traverse City Police Department members using the MDT shall comply with all appropriate federal and state rules and regulations and shall use the MDT in a professional manner, in accordance with this policy. All members are required to follow the rules, regulations, and user agreements of the Federal Communications Commission (FCC), Law Enforcement Information Network (LEIN), National Crime Information Center (NCIC), Federal Bureau of Investigations (FBI), and Criminal Justice Information Services (CJIS).

### 423.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

### 423.4 RESTRICTED ACCESS AND USE

MDT use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDT system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDT by another member to their supervisors or Shift Commanders.

Prior to accessing the MDT system, members must successfully complete the LEIN Operator Certification Test and abide by all LEIN and CJIS user agreements.

Use of the MDT system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks or communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MDT system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDT system unless directed to do so by a supervisor. Members are required to log off the MDT or secure the MDT when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Mobile Data Terminal Use*

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##### 423.4.1 USE WHILE DRIVING

Use of the MDT by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

##### **423.5 DOCUMENTATION OF ACTIVITY**

Except as otherwise directed by the Shift Commander or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MDT unless security or confidentiality prevents such broadcasting.

MDT and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDT.

##### 423.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDT system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDT.

##### 423.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Shift Commander are notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are handling a different emergency.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Mobile Data Terminal Use*

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#### **423.6 STORAGE AND RETENTION OF MOBILE DATA**

Transactions through the operating system and data usage through the MDT are stored and retained on the Grand Traverse County Information Services server, through the Grand Traverse County's network.

Information involving the use of the Talon software is stored and retained via the server maintained by the Grand Traverse County Central Dispatch Authority, for a period of 180 days. All transactions and queries involving the use of LEIN are stored and retained in the same manner. All transactions, queries, and messages involving LEIN are encrypted and meet all CJIS guidelines.

#### **423.7 EQUIPMENT CONSIDERATIONS**

##### 423.7.1 MALFUNCTIONING MDT

Whenever possible, members will not use vehicles with malfunctioning MDTs. Whenever members must drive a vehicle in which the MDT is not working, they shall notify Central Dispatch. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

##### 423.7.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDTs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDT could cause some devices to detonate.

## Portable Audio/Video Recorders

### 424.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices, handling, retention, and security by members of this department while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand-held or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Traverse City Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

### 424.2 POLICY

The Traverse City Police Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

### 424.3 COORDINATOR

The Chief of Police or the authorized designee should designate a coordinator responsible for:

- (a) Establishing and maintaining procedures for the security, storage and maintenance of data and recordings.
- (b) Establishing and maintaining procedures for accessing data and recordings.
- (c) Establishing and maintaining procedures for logging or auditing access.
- (d) Establishing and maintaining procedures for transferring, downloading, tagging or marking events.

### 424.4 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity of this department, regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

### 424.5 MEMBER RESPONSIBILITIES

Dependent on availability and prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a portable recorder, issued by the Department, and that the recorder is in good working order. If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner, above the midline in the center of their torso or otherwise notify persons that they are being recorded whenever reasonably practicable.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Portable Audio/Video Recorders*

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Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When using a recorder, the assigned member shall record his/her name, TCPD identification number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

#### **424.6 ACTIVATION OF THE AUDIO/VIDEO RECORDER**

This policy is not intended to describe every possible situation in which the recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The recorder should be activated in any of the following situations:

- (a) All enforcement and investigative contacts including stops and field interview situations
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
- (c) Self-initiated activity in which an officer would normally notify Central Dispatch
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. If an officer has determined that they are able to stop the recording, the officer should first request either an audio or video only continuation of the recording before disabling the audio/video recorder in full. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Portable Audio/Video Recorders*

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##### 424.6.1 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

##### 424.6.2 DEACTIVATING THE AUDIO OR VIDEO OF THE AUDIO VIDEO RECORDER

The expectation is for audio and video to be captured throughout the entire activation of a portable audio/video recorder. Members may temporarily deactivate the audio portion by engaging the mute option on the device. Members may deactivate the video portion by stopping the recording and starting a new audio only recording. The reason for the audio or video deactivation must be recorded verbally prior to the audio or video deactivation and the audio or video should be reactivated when reasonably practicable.

For the purpose of this section, audio recording may be deactivated for the following reasons:

- (a) Personal conversations unrelated to the incident
- (b) Member to member training (FTO or FTO Supervisor speaking with member in training)
- (c) Consultation with a supervisor or other member
- (d) Consultation with the City Attorney's Office or Prosecuting Attorney's Office
- (e) Law Enforcement Sensitive conversations with undercover officers
- (f) Tactical planning

For the purpose of this section, video recording may be deactivated for the following reason:

- (a) Whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest.

Members should note the deactivation of any recordings in the corresponding incident report.

##### 424.6.3 SURREPTITIOUS USE OF THE AUDIO/VIDEO RECORDER

Michigan law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission. Members may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation.

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

##### 424.6.4 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Portable Audio/Video Recorders*

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#### **424.7 PROHIBITED USE OF PORTABLE RECORDERS**

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in an official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Shift Commander. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

#### **424.8 IDENTIFICATION AND PRESERVATION OF RECORDINGS**

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
- (b) A complainant, victim or witness has requested non-disclosure.
- (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an undercover officer or confidential informant.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

##### **424.8.1 CASE BUILDING**

There are circumstances that require the creation of a case within the Portable Audio/Video enterprise software. Those circumstances include but are not limited to the following:

- (a) If you are sending a report to the prosecuting attorney's office.
- (b) If you are referring a report to the Detective Bureau.



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Portable Audio/Video Recorders*

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#### **424.9 RETENTION OF RECORDINGS**

All recordings shall be retained for a period consistent with the requirements of the established records retention schedule.

All recordings that are the subject of ongoing criminal, administrative or civil investigations or legal proceedings shall be retained until the completion of the investigation or proceeding (MCL 780.316).

All recordings relevant to a formal complaint against a member or the Department in general shall be retained for a period consistent with the requirements of the established records retention schedule but in no event for a period less than three years (MCL 780.316).

See attachment: [Traverse City General Law Enforcement Retention Schedule.pdf](#)

#### **424.9.1 RELEASE OF AUDIO/VIDEO RECORDINGS**

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

#### **424.10 REVIEW OF RECORDED MEDIA FILES**

When preparing written reports, members should review their recordings as a resource. (See the Officer-Involved Shootings and Deaths Policy for guidance in those cases.) However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing a member's performance.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Chief of Police or the authorized designee.
- (d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy should not be publicly released unless disclosure is required by law or order of the court.

#### **424.11 TRAINING**

All members who are authorized to use departmentally approved audio/video systems shall successfully complete an approved course of instruction prior to its use and receive ongoing periodic training.

## Public Recording of Law Enforcement Activity

### 425.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

### 425.2 POLICY

The Traverse City Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

### 425.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
  - 1. Tampering with a witness or suspect.
  - 2. Inciting others to violate the law.
  - 3. Being so close to the activity as to present a clear safety hazard to the officers.
  - 4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the officer, him/herself or others.

### 425.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Public Recording of Law Enforcement Activity*

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example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

#### **425.5 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of department members, such as how and where to file a complaint.

#### **425.6 SEIZING RECORDINGS AS EVIDENCE**

Officers should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
  1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
  1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
  2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

# Traverse City Police Department

TCPD Policy Manual

TCPD Policy Manual

## *Public Recording of Law Enforcement Activity*

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Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Section Policy.

## Bicycle Patrol

### 426.1 PURPOSE AND SCOPE

This policy establishes guidelines for the Traverse City Police Department to safely and effectively use bicycle patrol for the purpose of enhancing field patrol efforts in the community.

### 426.2 POLICY

It is the policy of the Traverse City Police Department that patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control or special events. The use of the patrol bicycle will emphasize officer mobility and department visibility in the community.

### 426.3 OPERATIONS

Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas, and the quiet operation of the patrol bicycle can facilitate a tactical approach to crimes in progress. Patrol bicycles may be deployed to any area, at any hour of the day or night, according to department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the bicycle patrol coordinator or the Shift Commander.

### 426.4 SELECTION

Upon posting of an open position, interested officers who are off probation shall submit a memorandum of interest to their appropriate Division Commanders. A copy will be forwarded to the bicycle patrol coordinator. Qualified applicants will then be invited to an oral interview. The oral interview will be conducted by the coordinator and a second person to be selected by the coordinator.

Interested officers shall be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance
- (b) Special skills or training as it pertains to the assignment
- (c) Good physical condition
- (d) Willingness to perform duties using the bicycle as a mode of transportation

#### 426.4.1 OFFICER RESPONSIBILITIES

Officers should operate the bicycle in compliance with the vehicle code under normal operation, unless their duties require otherwise (MCL 257.656 et seq.).

Officers may operate the bicycle without lighting equipment during hours of darkness only when it reasonably appears necessary for officer safety or tactical considerations. Officers must use caution and care when operating bicycles without lighting equipment or when they are operating in violation of the rules of the road.

Officers are exempt from the rules of the road under the following conditions (MCL 257.603):

- (a) In response to an emergency call

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Bicycle Patrol*

---

- (b) While engaged in rescue operations
- (c) In the immediate pursuit of an actual or suspected violator of the law

#### **426.5 BICYCLE PATROL COORDINATOR**

The Chief of Police shall delegate certain responsibilities to a bicycle patrol coordinator. The coordinator shall be appointed by and directly responsible to the Patrol Services Division Commander or the authorized designee.

The coordinator may appoint a senior bicycle patrol officer or other designee to assist in the coordination of bicycle patrol officers and their activities.

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

- (a) Organizing bicycle patrol training.
- (b) Inspecting and maintaining an inventory of patrol bicycles and program equipment.
- (c) Inspecting, no less than every three months, bicycles that are not in active service and documenting that they are in serviceable condition.
- (d) Scheduling maintenance and repairs.
- (e) Evaluating the performance of bicycle patrol officers.
- (f) Coordinating activities with the Patrol Services Division.
- (g) Other activities as required to maintain the efficient operation of bicycle patrol.

#### **426.6 PATROL BICYCLE**

Bicycle patrol officers will be assigned a specially marked and equipped patrol bicycle, attached gear bag, two batteries and a charger.

Patrol bicycles shall be primarily black, white or gray in color with a "Police" decal affixed to each side of the crossbar or the bicycle's gear bag. Every patrol bicycle shall be equipped with:

- (a) Front and rear reflectors.
- (b) A siren and horn.
- (c) A steady or flashing blue and red warning light that is visible from the front, sides or rear of the bicycle.
- (d) A rear rack and/or gear bag sufficient to carry all necessary equipment to handle routine patrol calls, including report writing, vehicle storage and citations.
- (e) A gear bag that shall include a first-aid kit, tire pump, repair tool, tire tube, security lock, high-visibility vest and equipment information and use manuals. These items are to remain with/on the patrol bicycle at all times.

Patrol bicycles shall be properly secured when not in the officer's immediate presence.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Bicycle Patrol*

---

##### 426.6.1 TRANSPORTING THE PATROL BICYCLE

The patrol bicycle should be transported using an acceptable mean of transport to include a vehicle bicycle rack, inside a van or a pick-up bed. Due to possible component damage, transportation of the patrol bicycle in a vehicle trunk or on a law enforcement vehicle push-bumper is discouraged.

##### 426.6.2 MAINTENANCE

- (a) Bicycle patrol officers shall conduct an inspection of the patrol bicycle and equipment prior to use to ensure proper working order of the equipment.
- (b) Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).
  - 1. Each patrol bicycle will have scheduled maintenance twice yearly to be performed by a repair shop or technician approved by the Department.
- (c) Officers shall not modify the patrol bicycle or remove, modify or add components to the patrol bicycle except with the express approval of the bicycle patrol coordinator, or in the event of an emergency.
- (d) If a needed repair is beyond the ability of the bicycle patrol officer, a repair work order will be completed and forwarded to the coordinator for repair by a technician approved by the Department.
- (e) Patrol bicycle batteries shall be rotated on the assigned charger at the end of each tour of duty.
  - 1. During prolonged periods of nonuse, each bicycle patrol officer assigned a patrol bicycle shall periodically rotate the batteries on the respective chargers to increase battery life.
- (f) At the end of a patrol bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

##### **426.7 UNIFORMS AND EQUIPMENT**

Officers shall wear uniforms and safety equipment in accordance with the Uniforms and Civilian Attire Policy.

The uniform consists of a modified Class B Uniform to include the standard short-sleeve uniform shirt or other department-approved shirt, with Traverse City Police Department badge and patches, and department-approved bicycle patrol pants or shorts. Optional attire may include, but is not limited to, a jacket in colder weather and turtleneck shirts or sweaters when worn under the uniform shirt.

Bicycle patrol officers shall carry the same equipment on load bearing vests and duty belts as they would on regular patrol assignments. Assignment-specific safety equipment should include, but is not limited to, department-approved helmet, a radio headset and microphone, riding gloves, protective eyewear and approved footwear.

Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Bicycle Patrol*

---

#### **426.8 TRAINING**

Officers must complete an initial department-approved bicycle-training course prior to assignment to bicycle patrol. Thereafter, bicycle patrol officers should receive twice yearly in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include:

- (a) Bicycle patrol strategies.
- (b) Bicycle safety and accident prevention.
- (c) Operational tactics and techniques using bicycles.

Bicycle patrol officers will be required to train and qualify with their duty and secondary firearms while wearing bicycle safety equipment, including the helmet and riding gloves.



# Homeless Persons

## 428.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that department members understand the needs and rights of the homeless, and to establish procedures to guide them during all contacts with the homeless, whether consensual or for enforcement purposes.

This policy establishes a liaison to the homeless community, addresses the responsibilities of the department member appointed to act as a liaison to the homeless, details the need for special protection and services for homeless persons and confirms the department's commitment and position in relation to the 86th District Court Community Outreach Court.

## 428.2 POLICY

It is the policy of the Traverse City Police Department to protect the rights, dignity and private property of all members of the community, including people who are homeless. Abuse of authority to harass any member of the community will not be permitted. The Traverse City Police Department will address the needs of homeless persons in balance with the overall mission of this department.

Homelessness is not a crime and members will not use homelessness as the sole basis for detention or law enforcement action.

## 428.3 LIAISON TO THE HOMELESS COMMUNITY

The Chief of Police shall delegate certain responsibilities to a liaison to the homeless community. The liaison shall be appointed by and directly responsible to the Patrol Services Division Commander or the authorized designee.

The responsibilities of the liaison include, but are not limited to:

- (a) Maintaining and making available to all department members a list of assistance programs and other resources that are available to homeless persons.
- (b) Meeting with social services and representatives of other organizations that render assistance to the homeless community.
- (c) Maintain a working relationship with area street outreach coordinators and programs in order to maintain a current working knowledge of frequent homeless encampments within and near the jurisdiction of this department.
- (d) Remaining abreast of laws dealing with homelessness, including personal property rights.
- (e) Being present during any clean-up operation conducted by this department that involves the removal of personal property of the homeless. This is to ensure that the established rights of the homeless are not violated.
- (f) Developing training to assist members in understanding current legal and social issues relating to the homeless.

[Procedure Manual: 428.1 HOMELESS ASSISTANCE PROGRAMS AND RESOURCES](#)

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Homeless Persons*

---

#### **428.4 FIELD CONTACTS**

Officers are encouraged to contact a homeless person to render aid, offer assistance or to check on the person's welfare. Officers also will take enforcement action when information supports a reasonable and articulable suspicion of criminal activity. However, such contacts shall not be used for harassment.

When encountering a homeless person who has committed a nonviolent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions, such as shelter referrals and counseling, in lieu of an arrest and criminal charges.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent that such services may be appropriate. Officers should keep in mind and relate to homeless persons that permanent housing is the end goal and focus of their and resource agency efforts.

[Procedure Manual: 428.3 JUBILEE HOUSE](#)

[Procedure Manual: 428.4 CENTRAL UNITED METHODIST CHURCH COMMUNITY OUTREACH](#)

[Procedure Manual: 428.5 SAFE HARBOR](#)

[Procedure Manual: 428.6 GOODWILL INN](#)

#### **428.4.1 CONSIDERATIONS**

A homeless person will receive the same level and quality of service provided to other members of the community. The fact that a victim, witness or suspect is homeless can, however, require special consideration for a successful investigation and prosecution. When handling investigations involving victims, witnesses or suspects who are homeless, officers should consider:

- (a) Documenting alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.
- (b) Documenting locations the person may frequent.
- (c) Providing victim/witness resources, when appropriate.
- (d) Obtaining sufficient statements from all available witnesses in the event that a victim cannot be located and is unavailable for a court appearance.
- (e) Arranging for transportation for investigation-related matters, such as medical exams and court appearances.
- (f) Whether a crime should be reported and submitted for prosecution, even when a victim who is homeless indicates that he/she does not desire prosecution.
- (g) Whether the person may be an adult abuse victim and, if so, proceed in accordance with the Adult Abuse Policy.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Homeless Persons*

---

#### **428.5 MENTAL HEALTH ISSUES**

When mental health issues are evident, officers should consider referring the person to the appropriate mental health agency or providing the person with contact information for mental health assistance, as appropriate. In these circumstances, officers may provide transportation to a mental health facility for voluntary evaluation if it is requested or offered and accepted by the person, and approved by a supervisor. Officers should consider detaining the person under civil commitment or an involuntary commitment when facts and circumstances reasonably indicate such a detention is warranted (see the Civil Commitments Policy).

#### **428.6 PERSONAL PROPERTY**

The personal property of homeless persons must not be treated differently than the property of other members of the community. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, it should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure it. It will be the supervisor's responsibility to coordinate its removal and safekeeping.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the homeless liaison. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the liaison.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the liaison if such property appears to involve a trespass, is a blight to the community or is the subject of a complaint. It will be the responsibility of the liaison to address the matter in a timely fashion.

#### **428.7 ECOLOGICAL ISSUES**

Sometimes homeless encampments can have an impact on the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or City departments when a significant impact to the environment has or is likely to occur. A significant impact to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

#### **428.8 COMMUNITY OUTREACH COURT**

The department has partnered with the 86th District Court in the development and operation of the Community Outreach Court program.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Homeless Persons*

---

The Grand Traverse County Community Outreach Court (COC) offers individuals who are experiencing homelessness or at risk of homelessness (struggling to pay rent and daily necessities) the opportunity to resolve unpaid court fines, fees, bench warrants, and open cases for civil and criminal infractions when they complete an action plan designed to address the root causes of their homelessness or risk of homelessness and criminal history. This is a voluntary program.

Community Outreach Court holds people accountable, reduces backlogs in the courts and the prosecuting attorney's office and provides an opportunity for individuals to receive services to help them move forward in their lives.

Officers are encouraged to notify qualified applicants about the program and assist the applicant and service providers in program implementation.

[Procedure Manual: 428.2 COMMUNITY OUTREACH COURT REFERRAL PROCEDURE](#)

## Medical Aid and Response

### 430.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

### 430.2 POLICY

It is the policy of the Traverse City Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

### 430.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Central Dispatch and request a response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Central Dispatch with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
  1. Signs and symptoms as observed by the member.
  2. Changes in apparent condition.
  3. The number of patients, sex, and age, if known.
  4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
  5. Whether the person is showing signs or symptoms of paranoia, hallucinations, violence toward objects and people, or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel on whether to transport the person for treatment.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Medical Aid and Response*

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#### **430.4 TRANSPORTING ILL AND INJURED PERSONS**

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

#### **430.5 PERSONS REFUSING EMS CARE**

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive medical care or be transported.

However, members may assist EMS personnel when EMS personnel determine the person lacks the mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with involuntary commitment in accordance with the Civil Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

#### **430.6 MEDICAL ATTENTION RELATED TO USE OF FORCE**

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Conducted Energy Device policies.

#### **430.7 AIR AMBULANCE**

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Medical Aid and Response*

---

victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

The Patrol Services Division Commander should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Department should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One department member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members shall follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during the landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

#### **430.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE**

##### 430.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Training Manager who is responsible for ensuring appropriate maintenance.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Medical Aid and Response*

---

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact Central Dispatch as soon as possible and request response by EMS.

#### **430.8.2 AED REPORTING**

Any member using an AED will complete an incident report detailing its use.

#### **430.8.3 AED TRAINING AND MAINTENANCE**

The Training Manager should ensure appropriate training is provided to members authorized to use an AED.

The Training Manager is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule.

### **430.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION**

Only members who have completed opioid administration training may administer opioid overdose medication (MCL 15.673).

#### **430.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES**

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Manager.

#### **430.9.2 OPIOID OVERDOSE MEDICATION REPORTING**

Any member administering opioid overdose medication should detail its use in an appropriate report.

#### [Procedure Manual: 430.3 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION](#)

#### **430.9.3 OPIOID OVERDOSE MEDICATION TRAINING**

The Training Manager should ensure training is provided to members authorized to administer opioid overdose medication.

### **430.10 SICK OR INJURED ARRESTEE**

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Medical Aid and Response*

---

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

#### **430.11 ADMINISTRATION OF EPINEPHRINE**

Only members who have completed epinephrine administration training may provide or administer epinephrine (MCL 28.822; MCL 333.17744a).

##### 430.11.1 EPINEPHRINE USER RESPONSIBILITIES

Members who are qualified to administer epinephrine should handle, store, and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Manager.

Any member who administers epinephrine should contact Central Dispatch as soon as possible and request response by EMS.

##### 430.11.2 EPINEPHRINE REPORTING

Any member administering epinephrine should detail its use in an appropriate report.

The Training Manager is responsible for state report submissions to the Michigan Department of Licensing and Regulatory Affairs required by MCL 333.17744d.

##### 430.11.3 EPINEPHRINE TRAINING

The Training Manager should ensure that training is provided to members authorized to administer epinephrine (MCL 28.822; MCL 333.17744d).

#### **430.12 FIRST AID TRAINING**

Subject to available resources, the Training Manager should ensure officers receive periodic first aid training appropriate for their position.

#### **430.13 ANNUAL REPORT**

The Patrol Division Commander in conjunction with the Training Manager should complete an annual report to the Chief of Police concerning the progress and status of Medical Aid and Response Program to include:

- AED use and equipment status

# Traverse City Police Department

TCPD Policy Manual

TCPD Policy Manual

## *Medical Aid and Response*

---

- Opioid reversal use and supply status

## First Amendment Assemblies

### 431.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

### 431.2 POLICY

The Traverse City Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

### 431.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress (MCL 750.352); trespass upon the property of another (MCL 750.552); trespass upon key facilities (MCL 750.552c); trespass upon health facilities for prohibited purposes (MCL 333.20198); noise; unlawful picketing (MCL 423.17a); mass picketing or picketing of a private residence (MCL 423.9f); distribution of handbills; leafleting; or conduct directed toward disruption of elections (Const 1963, art 2, § 4; MCL 168.931 et seq.). However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential.

The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and to prevent the destruction of property.

Officers should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *First Amendment Assemblies*

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Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

#### 431.3.1 PHOTOGRAPHS, VIDEO RECORDINGS AND OTHER INFORMATION

Photographs, video recordings and other information may be collected at assemblies and demonstrations as they can serve a number of purposes, such as support of criminal prosecutions, assistance in evaluating department performance, serving as training material, recording the use of dispersal orders and facilitating a response to allegations of improper law enforcement conduct.

Photographs, video recordings and other information shall not be maintained on the political, religious or social activities, views or associations of any individual, group or organization unless those activities, views or associations directly relate to an investigation of criminal activity and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

#### 431.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to:

- Location.
- Number of participants.
- Apparent purpose of the event.
- Leadership (whether it is apparent and/or whether it is effective).
- Any initial indicators of unlawful or disruptive activity.
- Indicators that lawful use of public facilities, streets or walkways will be impacted.
- Ability and/or need to continue monitoring the incident.

Initial assessment information should be promptly communicated to Central Dispatch, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

#### 431.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

#### 431.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *First Amendment Assemblies*

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- Information about past and potential unlawful conduct associated with the event or similar events.
- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

#### 431.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

- (a) Command assignments, chain of command structure, roles and responsibilities.
- (b) Staffing and resource allocation.
- (c) Management of criminal investigations.
- (d) Designation of uniform of the day and related safety equipment (helmets, shields, etc.).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multijurisdictional event.
- (g) An established liaison with demonstration leaders and external agencies.
- (h) An established liaison with City government and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- (k) Traffic management plans.
- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.
- (p) Arrest protocol, including management of mass arrests.
- (q) Protocol for recording information flow and decisions.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *First Amendment Assemblies*

---

- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
- (s) Protocol for handling complaints during the event.
- (t) Parameters for the use of body-worn cameras and other portable recording devices.

#### **431.5.3 MUTUAL AID AND EXTERNAL RESOURCES**

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

#### **431.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS**

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear, standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

#### **431.7 USE OF FORCE**

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and TASER (TM)s should be considered only when the participants' conduct reasonably appears to present the potential to

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *First Amendment Assemblies*

---

harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and the Conducted Energy Device policies).

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

#### **431.8 ARRESTS**

The Traverse City Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been or reasonably appear likely to be unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of officers and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Appearance Ticket Policy).

#### **431.9 MEDIA RELATIONS**

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media, to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

#### **431.10 DEMOBILIZATION**

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *First Amendment Assemblies*

---

promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

#### **431.11 POST EVENT**

The Incident Commander should designate a member to assemble full documentation of the event, to include:

- (a) Operational plan.
- (b) Any incident logs.
- (c) Any assignment logs.
- (d) Vehicle, fuel, equipment and supply records.
- (e) Incident, arrest, use of force, injury and property damage reports.
- (f) Photographs, audio/video recordings, Central Dispatch records/tapes.
- (g) Media accounts (print and broadcast media).

##### **431.11.1 AFTER-ACTION REPORTING**

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used, to include:

- (a) Date, time and description of the event.
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests, costs).
- (c) Problems identified.
- (d) Significant events.
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

#### **431.12 TRAINING**

Department members shall receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.



## Civil Disputes

### 432.1 PURPOSE AND SCOPE

This policy provides members of the Traverse City Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to "court orders" apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Michigan law.

### 432.2 POLICY

The Traverse City Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

### 432.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While the following is not intended to be an exhaustive list, members should give consideration to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Members shall not provide legal advice; however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority.
- (e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Civil Disputes*

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#### **432.4 COURT ORDERS**

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document:

- (a) The person's knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

##### **432.4.1 STANDBY REQUESTS**

Officers responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

#### **432.5 VEHICLES AND PERSONAL PROPERTY**

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

#### **432.6 REAL PROPERTY**

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

# Suspicious Activity Reporting

## 433.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

### 433.1.1 DEFINITIONS

Definitions related to this policy include:

**Involved party** - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

**Suspicious activity** - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

**Suspicious Activity Report (SAR)** - An incident report used to document suspicious activity.

## 433.2 POLICY

The Traverse City Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

## 433.3 RESPONSIBILITIES

The Investigative Services Division Commander and the authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Investigative Services Division include, but are not limited to:

- (a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Suspicious Activity Reporting*

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- (b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
- (c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.
- (d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.
- (e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.
- (f) Coordinating investigative follow-up, if appropriate.
- (g) Coordinating with any appropriate agency or fusion center.
- (h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage community members to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

#### **433.4 REPORTING AND INVESTIGATION**

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any civilian member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about the involved parties and the circumstances of the incident. If, during any investigation an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

#### **433.5 HANDLING INFORMATION**

The Central Records Division will forward copies of SARs, in a timely manner, to:

- The Detective Bureau supervisor.
- The Crime Analysis unit.
- Other authorized designees.

## Motorcycle Patrol

### 434.1 PURPOSE AND SCOPE

This policy establishes guidelines for the Traverse City Police Department to safely and effectively use motorcycle patrol for the purpose of enhancing field patrol efforts in the community

### 434.2 POLICY

It is the policy of the Traverse City Police Department that patrol motorcycles may be used for regular patrol duty, traffic enforcement, or special events. The use of the patrol motorcycles will emphasize traffic enforcement.

### 434.3 OPERATIONS

Motorcycle patrol has been shown to be an effective way to increase officer visibility and maneuverability in congested areas.

Requests for specific deployment of motorcycle patrol officers shall be coordinated through the motorcycle patrol coordinator or the Shift Commander.

Patrol motorcycles may be deployed to any area, at any hour of the day or night, according to department needs and as staffing levels allow while taking into consideration the following circumstances:

- (a) Police motorcycles shall be placed in and taken out of operation in the spring and fall weather and road permitting. The motorcycle patrol coordinator will make that determination under the direction of the Division Commander.
- (b) Police motorcycles (unusual situations not withstanding) will not be operated in heavy or continuous rain, as their efficiency becomes very limited under these conditions.
- (c) The operation (use) of a motorcycle unit during periods of light or sporadic rain may be left to the discretion of the operator (rider).
- (d) Police motorcycles shall normally operate between the hours of 6:00 a.m. and 11:00 p.m., weather permitting
- (e) The above times being only for the purpose of guidelines as the weather conditions will be the determining factor.
- (f) On duty use of the police motorcycle during other than the above stated time may be left to the discretion of the officer (rider) with supervisory approval.

#### 434.3.1 OFF DUTY OPERATION

Motorcycle officers are authorized to operate their assigned police motorcycle while off duty under the following conditions:

- (a) While in transit to or from authorized on duty activity or with permission of the Motorcycle Patrol Coordinator.
- (b) While wearing a departmentally approved police uniform.
- (c) While armed with a departmentally approved firearm.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Motorcycle Patrol*

---

Motorcycle patrol officers shall wear the same safety equipment off duty that is normally required to be worn on duty. This consists in part of a helmet, eye protection, gloves and boots. Tennis shoes or open toed shoes are not allowed.

#### **434.3.2 PROHIBITED OPERATION**

Motorcycle officers may not operate a police motorcycle under any of the following conditions:

- (a) After consuming any detectable amount of alcoholic beverages.
- (b) In civilian clothing.
- (c) With a passenger.

The police motorcycle is for the exclusive use and operation of the assigned motorcycle officer. At no time shall they allow another person to operate the vehicle without permission of the Motorcycle Patrol Coordinator.

#### **434.4 SELECTION**

Upon posting of open position, interested officers who are off probation shall submit a memorandum of interest to their appropriate Division Commanders. A copy will be forwarded to the motorcycle patrol coordinator.

Qualified applicants will then be invited to an oral interview. The oral interview will be conducted by the coordinator and a second person to be selected by the coordinator.

Interested officers shall be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance.
- (b) Special skills or training as it pertains to the assignment.
- (c) Good physical condition.
- (d) Willingness to perform duties using the motorcycle as a mode of transportation.

#### **434.4.1 OFFICER RESPONSIBILITIES**

Officers should operate the motorcycle in compliance with the vehicle code under normal operation, unless their duties require otherwise.

Officers must use caution and care when operating motorcycles in violation of the rules of the road.

Officers are exempt from the rules of the road under MCL 257.603. These conditions include:

- (a) In response to an emergency call.
- (b) While engaged in rescue operations.
- (c) While conducting traffic enforcement operations.
- (d) During official police functions (police escorts).

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Motorcycle Patrol*

---

#### **434.5 MOTORCYCLE PATROL COORDINATOR**

The Chief of Police shall delegate certain responsibilities to a motorcycle patrol coordinator. The coordinator shall be appointed by and directly responsible to the Patrol Services Division Commander or the authorized designee.

The coordinator may appoint a senior motorcycle patrol officer or other designee to assist in the coordination of motorcycle patrol officers and their activities.

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

- (a) Organizing motorcycle patrol training.
- (b) Inspecting and maintaining an inventory of patrol motorcycles and program equipment.
- (c) Inspecting, no less than every three months, motorcycles that are not in active service and documenting that they are in serviceable condition.
- (d) Scheduling maintenance and repairs.
- (e) Evaluating the performance of motorcycle patrol officers.
- (f) Coordinating activities with the Patrol Services Division.
- (g) Insure that the qualification and training requirements of motorcycle patrol officers are met.
- (h) Other activities as required to maintain the efficient operation of motorcycle patrol.

#### **434.6 PATROL MOTORCYCLE**

Motorcycle patrol officers will be assigned a specially marked and equipped patrol motorcycle and attached saddle bag.

Patrol motorcycles shall be primarily black or white in color with a "Police" decal affixed to each side of the motorcycle's saddle bags.

Every patrol motorcycle shall be equipped with:

- (a) Front and rear lights.
- (b) A siren and horn.
- (c) A steady or flashing blue and red warning light that is visible from the front, sides and rear of the motorcycle.
- (d) A rear rack and/or saddle bag sufficient to carry all necessary equipment to handle routine patrol calls, including report writing, vehicle storage and citations.
- (e) A saddle bag that shall include a first-aid kit, high-visibility vest and equipment information and use manuals. These items are to remain with/on the patrol motorcycle at all times while in operation.

Patrol motorcycles shall be properly secured when not in the officer's immediate presence.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Motorcycle Patrol*

---

##### 434.6.1 MAINTENANCE

- (a) Motorcycle patrol officers shall conduct an inspection of the patrol motorcycle and equipment prior to use to ensure proper working order of the equipment.
- (b) Officers are responsible for the routine care and maintenance of their assigned equipment (fluid levels, lights, clutch, brakes, tire pressure, lubrication, etc.).
- (c) Each patrol motorcycle will have scheduled maintenance twice yearly to be performed by a repair shop or technician approved by the Department.
- (d) Officers shall not modify the patrol motorcycle or remove, modify or add components to the patrol motorcycle except with the express approval of the motorcycle patrol coordinator, or in the event of an emergency.
- (e) Minor maintenance may be performed by the operator (rider) to the level of their ability.
- (f) If a needed repair is beyond the ability of the motorcycle patrol officer, it shall be the responsibility of the operator (rider) to have the motor unit repaired by a certified motorcycle mechanic, excluding body work, and the repair must be approved by the department. This direction applies to repairs the operator (rider) feels necessary for safe operation of the motor unit.
- (g) It shall be the responsibility of the rider to see that his motor unit is clean and in good repair before each tour of duty.

##### **434.7 MOTORCYCLE UNIFORMS**

Officers shall wear uniforms and safety equipment in accordance with the Uniforms and Civilian Attire Policy.

Uniforms shall be well maintained and boots shined at all times.

A helmet will be worn at all times while operating the motorcycle.

The uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt, with Traverse City Police Department badge and patches, and department-approved motorcycle patrol pants. Optional attire may include, but is not limited to, a jacket in colder weather, turtleneck shirts when worn under the uniform shirt, leather jackets, gloves, rain gear and will be worn at the officer's discretion depending upon weather conditions.

Motorcycle patrol officers shall carry the same equipment on their duty belts as they would on regular patrol assignments.

Assignment-specific safety equipment should include, but is not limited to, department-approved helmet, a radio headset and microphone, riding gloves, protective eyewear and approved footwear

##### **434.8 MOTORCYCLE EQUIPMENT**

Certain items shall be maintained in all department motorcycles. Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on motorcycle patrol. Officers shall inspect the motorcycle at the beginning of the shift and ensure that the following equipment, at a minimum, is in the vehicle:



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Motorcycle Patrol*

---

- 2 emergency road flares
- 1 first-aid kit
- 1 hazardous waste disposal bag
- 1 high-visibility vest
- 1 hazardous materials emergency response handbook

#### **434.9 TRAINING**

Officers must complete and pass (80) hours of MCOLES Police Motorcycle Training courses which have been given by a qualified instructor and certified through MCOLES prior to assignment to motorcycle patrol.

No member of this department shall operate a department motorcycle for any purpose other than training unless they have completed and passed the required MCOLES course. This course of instruction and certification requires candidates to complete, pass and obtain their Michigan SOS Operator's License cycle endorsement (CY) prior to attendance.

Thereafter, motorcycle patrol officers should receive yearly in-service training to improve skills and refresh safety, health and operational procedures. The training shall minimally include:

- (a) Motorcycle patrol strategies.
- (b) Motorcycle safety and accident prevention.
- (c) Operational tactics and techniques using motorcycles.

As a requirement of appointment to the position, motorcycle patrol officers will be required to train and qualify with their duty and secondary firearms while wearing motorcycle safety equipment, including the helmet and riding gloves, and in conjunction with the use and operation of the patrol motorcycle. As a requirement of continued appointment, all motorcycle patrol officers shall biannually train and qualify in the same manner and to standards as established by the Motorcycle Patrol Coordinator in conjunction with the Chief Firearms Instructor.

#### **434.10 ANNUAL REPORT**

The Patrol Division Commander in conjunction with the Motorcycle Patrol Coordinator should complete an annual report to the Chief of Police concerning the progress and status of Motorcycle Patrol Program.

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## Substance Abuse Diversion

### 435.1 PURPOSE AND SCOPE

The purpose of this policy is to insure that department members understand the needs and rights of individuals afflicted with substance abuse issues and disease. The department supports a three-prong approach to combating illegal drug and alcohol abuse - Enforcement, Education and Treatment. Addiction is a disease which can benefit from medical intervention and treatment.

The opioid epidemic continues to grow around the nation and within our community. Overdose deaths associated with prescription and illicit opioids increased to 42,249 in 2016, according to a report from the Centers for Disease Control and Prevention (CDC). That number marks an increase of almost 9,000 deaths from the previous year. The department supports community outreach programs designed to assist people struggling with drug and/or alcohol addiction to encourage afflicted individuals to seek recovery and regain control of their lives. This initiative seeks to bring law enforcement, community organizations, and individuals seeking assistance together in an effort to reduce dependency.

The Traverse City Police Department maintains a strong partnership with the community and this policy will seek to provide citizens with a resource to aid in addiction recovery. A person seeking assistance with a drug and/or alcohol addiction can often lose that initial commitment in a short amount of time. It is critical that placement in meaningful addiction treatment be timely relevant to the individual.

### 435.2 POLICY

Any person who reports to the Law Enforcement Center and requests help with their addiction may be screened by a law enforcement officer for potential participation. Eligible candidates will be referred for medical intervention and treatment through the Michigan State Police (MSP) Angel program.

No questioning of the person will be undertaken in an effort to collect drug intelligence, determine the origins of any drugs relinquished by the person, or any other effort which may undermine the intended purpose of this program; namely to encourage persons to seek police assistance in getting help for their addiction without fear of arrest or police action.

[Procedure Manual: 435.4 Michigan State Police Angel Program](#)

### 435.3 FIELD CONTACTS

Officers responding to calls for service or performing police actions will be cognizant of the potential that the involved parties may be suffering from addiction.

Officers interacting with persons suffering from addiction will be professional, compassionate and understanding. Often times, people suffering from addiction ask for help only as a “last resort” and may be considering self-harm or suicide. Positive officer interaction can help make a difference.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Substance Abuse Diversion*

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In all instances, officers will continue to take enforcement action within their discretion and normal scope of duties to address criminal activity. At the same time, officers will recognize the fact that such criminal activity may result from a medical condition (addiction).

Officers should provide persons suffering from drug and/or alcohol dependency with resource and assistance information whenever it is reasonably apparent that such services may be appropriate. In these instances, officers should keep in mind and relate to these individuals that treatment and recovery is the end goal and focus of their and resource agency efforts.

Officers may also refer individuals to the Law Enforcement Center for eligibility screening through the MSP Angel Program.

#### [Procedure Manual: 435.1 Substance Abuse Programs and Resources](#)

##### **435.3.1 PERSONAL USE NARCOTICS AND ALCOHOL CONSIDERATIONS**

If the individual seeking help from treatment programs through the Traverse City Police Department is in possession of personal use amounts of narcotics with the initial intent to voluntarily abandon it to law enforcement, the narcotic will be accepted, listed as “confiscated” in the associated police report, and tagged to be destroyed.

The individual may be questioned as to the type of narcotic they believe it to be. This will also be documented in the police report.

Universal precautions will be taken in the handling of the substance in accordance with other sections of this manual.

No charges related to this contact will be sought for individuals satisfying the requirements of this policy.

Alcohol will be disposed of on scene and the disposition will be documented in the police report.

##### **435.4 SUBSTANCE ABUSE DIVERSION LIAISON**

The Chief of Police shall appoint and delegate certain responsibilities to a liaison to community organizations and programs designed to:

- (a) Treat and assist drug and alcohol dependent individuals.
- (b) Educate the citizenry of this community concerning drug and alcohol dependency and recovery.
- (c) Enforce drug and alcohol legislation as well as judicial diversion and assistance programs.

The liaison shall be directly responsible to the Patrol Services Division Commander or the authorized designee.

The responsibilities of the liaison include, but are not limited to:

- (a) Maintaining and making available to all department members a list of assistance programs and other resources that are available to persons afflicted with drug and/or alcohol dependency.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Substance Abuse Diversion*

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- (b) Meeting with social services and representatives of other organizations that render assistance to persons afflicted with drug and/or alcohol dependency and participating in case reviews.
- (c) Remaining abreast of laws dealing with enforcement and diversion programs.
- (d) Developing training to assist members in understanding current legal and social issues relating to drug and alcohol dependency.

#### **435.5 SOBRIETY COURT**

The department has partnered with the 86th District Court in the development and operation of the Sobriety Court program.

The Grand Traverse County Sobriety Court offers individuals who are experiencing alcohol dependency the opportunity to resolve unpaid court fines, fees, bench warrants, and open cases for civil and criminal infractions when they complete an action plan designed to address the root causes of their dependency and criminal history. This is a voluntary program.

The Sobriety Court holds people accountable, reduces backlogs in the courts and the prosecuting attorney's office and provides an opportunity for individuals to receive services to help them move forward in their lives.

Officers are encouraged to notify arrested individuals about the program and their possible eligibility for the program. Determination is made by the Prosecuting Attorney's Office and Court. Program participation is initiated by the defendant and his/her council through the judicial process.

#### **435.6 DRUG COURT**

The department has partnered with the 86th District Court in the development and operation of the Drug Court program.

The Grand Traverse County Drug Court offers individuals who are experiencing drug dependency the opportunity to resolve unpaid court fines, fees, bench warrants, and open cases for civil and criminal infractions when they complete an action plan designed to address the root causes of their dependency and criminal history. This is a voluntary program.

The Drug Court holds people accountable, reduces backlogs in the courts and the prosecuting attorney's office and provides an opportunity for individuals to receive services to help them move forward in their lives.

Officers are encouraged to notify arrested individuals about the program and their possible eligibility for the program. Determination is made by the Prosecuting Attorney's Office and Court. Program participation is initiated by the defendant and his/her council through the judicial process.

#### **435.7 TRAINING**

Training shall be conducted on a biennial basis as determined by the Department liaison.

# Traverse City Police Department

TCPD Policy Manual

TCPD Policy Manual

## *Substance Abuse Diversion*

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### **435.8 ANNUAL REPORT**

The Patrol Division Commander in conjunction with the Substance Abuse Diversion Liaison should complete an annual report to the Chief of Police concerning the progress and status of the Substance Abuse Diversion Program.

## Private Security and Loss Prevention Incidents

### 436.1 PURPOSE AND SCOPE

The purpose of this policy is to define response and provide guidance for departmental operations as they apply to response to incidents and locations employing private security and/or loss prevention specialists.

### 436.2 POLICY

It is the policy of this department to preserve the peace, prevent crime, and to investigate criminal activity in a thorough and efficient manner within our community. Response to venues employing private security officers require special considerations concerning restricted area access and weapons.

Many of these venues are subject to special regulations and laws by both the United States and the State of Michigan that restrict access and/or the release of protected information. These regulations may include law enforcement officer (LEO) restriction. They may also allow for LEO exemptions that may requires certain procedures. Private security officers are authorized by state law with limited enforcement powers and responsibilities.

It is the policy of this department to recognize these considerations and cooperate with the mission of these specialists while preserving the department's mission, responsibilities, and efforts within the bounds of policy, law, and best practices. Departmental procedures have been developed to specifically address these special considerations.

[Procedure Manual: 436 Private Security and Loss Prevention Incident Response](#)

### 436.4 PRIVATE SECURITY AUTHORITY

A private security agency's mission is primarily to observe and report. Unless otherwise licensed, they retain the same authority and responsibilities as those of private citizens.

*Act 330 of 1968 Private Security Business and Security Alarm Act*

*MCL 338.1051 Definitions*

*(f) "Private college security force" means a security force authorized under section 37.*

*(g) "Private security guard" means an individual or an employee of an employer who offers, for hire, to provide protection of property on the premises of another, and includes an employee of a private college security force.*

*(h) "Private security police" means that part of a business organization or educational institution primarily responsible for the protection of property on the premises of the business organization, but does not include a private college security force.*

*MCL 338.1080 Private security police officers; arrest powers; limitations.*

*A private security police officer, as described in section 29, who is properly licensed under this act has the authority to arrest a person without a warrant as set forth for public peace officers in section 15 of chapter IV of the code of criminal procedure, 1927 PA 175, MCL 764.15, when*

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Private Security and Loss Prevention Incidents*

---

*that private security police officer is on the employer's premises. Such authority is limited to his or her hours of employment as a private security police officer and does not extend beyond the boundaries of the property of the employer and while the private security police officer is in the full uniform of the employer.*

#### **436.5 DEPARTMENTAL LIAISON**

The Department has established a liaison for entities that employ private security guards and private security police. Any member of the department having concern over an incident and/or departmental operations concerning these entities, shall direct inquiries and notifications to the departmental liaison through departmental chain of command.

# Mobile Fingerprint Identification

## 437.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for the acceptable use of the Mobile Fingerprint Identification (Mobile ID) technology.

## 437.2 POLICY

It is the Department policy that all technology associated with Mobile ID, including all related hardware and software support, is bound by the Federal Bureau of Investigation's (FBI) Criminal Justice Information Services (CJIS) Security Policy (particularly, policy section 5.13.2) and the Michigan CJIS Security Addendum.

[FBI CJIS Security Policy](#)

[Michigan CJIS Security Addendum](#)

## 437.3 DEFINITIONS

**Authorized User (User)** - an individual employed as a law enforcement officer, or a civilian employed by a criminal justice agency, whose agency is approved by the Michigan State Police (MSP) to utilize Mobile ID.

**Automated Fingerprint Identification System (AFIS)** - is a computerized system for encoding, searching, and matching fingerprint images automatically. The system includes the storage and retrieval of fingerprint images. The Michigan AFIS is maintained by the Michigan State Police.

**Criminal Justice Information (CJI)** - is all of the FBI CJIS provided data necessary for law enforcement and civil agencies to perform their missions including, but not limited to biometric, identity history, biographic, property, and case/incident history data.

**Mobile Fingerprint Identification (Mobile ID)** - is the process by which a Scanner is used in a mobile environment to attempt to identify an individual whose identity is questioned. The scanned fingerprint images are sent electronically to the Michigan Automated Fingerprint Identification System (AFIS) and the FBI Repository of Individuals of Special Concern (RISC) databases and are compared to fingerprint images stored within those databases.

**Mobile Fingerprint Identification Agency (Agency)** - is the agency where the Scanner is located and used for electronic fingerprint image searches.

**Mobile Fingerprint Scanner (Scanner)** - is a fingerprint capture device used to scan fingerprints directly from the finger and electronically transmit the captured fingerprint images to Michigan AFIS and FBI RISC databases.

**Personally Identifiable Information (PII)** - is information that can be used to distinguish or trace an individual's identity, such as name, social security number, or biometric records, alone or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as date and place of birth, or mother's maiden name.



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Mobile Fingerprint Identification*

---

**Repository for Individuals of Special Concern (RISC)** - is a subset of the FBI fingerprint database that includes wanted persona, sex offender registry subjects, known or appropriately suspected terrorists, and immigration violators.

#### **437.4 DEPARTMENT COORDINATOR**

The Chief of Police shall appoint and delegate certain responsibilities to a coordinator that will:

- (a) Remain abreast of laws dealing with the use of Mobile Fingerprint Identification.
- (b) Develop and conduct training in coordination with the Mobile Fingerprint Identification procedure.

The coordinator shall be directly responsible to the Patrol Services Division Commander or their authorized designee.

#### **437.5 AUTHORIZED USE**

Mobile ID shall only be used during the course of a User's lawful duties and one of the following circumstances exists:

- (a) With consent of an individual 17 years of age or older.
  1. Mobile ID may be used with consent of an individual 17 years of age or older during the course of a User's lawful duties. The individual may limit or withdraw consent at any time. If consent is withdrawn, and use of Mobile ID is solely based upon consent, use of Mobile ID is not authorized and its use must stop immediately.
- (b) With consent of an individual under 17 years of age **and** parent or guardian.
  1. The Child Identification and Protection Act, 1985 PA 176, MCL 722.771-772.775, prohibits fingerprinting children, persons under 17 years of age, except under the limited circumstances prescribed in MCL 722.774.
  2. Mobile ID may be used with written consent of the child and his or her parent or guardian during the course of a User's lawful duties. The child and his or her parent or guardian may limit or withdraw consent at any time. If consent is withdrawn by either the child or his or her parent or guardian, and use of Mobile ID is solely based upon consent, use of Mobile ID is not authorized and its use must stop immediately.
  3. Given that Mobile ID is used when the identity of an individual is questioned, a User may be unable to accurately determine an individual's age. In the event that Mobile ID is used to identify an individual who the User reasonably believed was 17 years of age or older, but subsequently determined to be under 17 years of age, the User must document all information upon which he or she reasonably relied upon in determining the individual was 17 years of age or older.
- (c) Without consent of an individual.
  1. Mobile ID may be used without consent of an individual of any age if one of the following circumstances exists:

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Mobile Fingerprint Identification*

---

- (a) The User has probable cause to believe the individual has committed a crime for which fingerprinting is allowable under MCL 28.243.
- (b) The individual is unable to provide reliable identification due to physical incapacitation or defect, mental incapacitation or defect, or death, and immediate identification is needed to assist the User in performance of his or her lawful duties.
- (c) Pursuant to a valid court order.

#### **437.6 IDENTIFICATION PROCESS**

After fingerprint images are captured by the Scanner, the images are electronically transmitted to Michigan AFIS and FBI RISC databases where a non-assisted fingerprint search is performed. The captured fingerprint images are not retained on the Scanner. After completion of the non-assisted fingerprint search, one of the following responses is returned to the User via an electronic device linked to the Scanner:

- (a) Hit - This response means an identification match was made. An individual's name, date of birth, sex, race, state identification number, and mug shot photo are returned to the User.
- (b) No Record was Returned - This response means no identification match was made.
- (c) Unable to Determine - This response means possible candidates were found, but the scoring of such identifying fingerprints are below a defined criteria threshold used to confirm a positive "Hit" without human intervention. Up to five possible individuals' names, dates of birth, sex, race, state identification numbers and mug shot photos may be returned to the User.

Individual identifications as a result of Mobile ID are limited to individuals maintained in the Michigan AFIS and FBI RISC databases and does not preclude a record from existing in other biometric or name-based repositories.

#### **437.7 DISCLOSURE AND USE OF INFORMATION**

- (a) The information contained in a Mobile ID response may contain PII or CJI which may only be transmitted, accessed, used, disseminated, and disposed of in accordance with state and federal laws, rules, policies, and regulations; including, but not limited to the most recent Federal CJIS Security Policy, the Michigan CJIS Security Addendum, the CJIS Policy Council Act, 1974 PA 163, MCL 28.211-28.216, and the most current CJIS Administrative Rules.
- (b) Improper access, use or dissemination of PII or CJI obtained from use of Mobile ID may result in criminal penalties and/or administrative sanctions.

#### **437.8 DOCUMENTATION**

All Mobile ID use, including use of Mobile ID to assist another law enforcement agency, shall be documented by the User in an original incident report, if an original incident report regarding the incident is being completed, or as an entry on the enforcement member's daily log. At a minimum, the documentation shall include the date, time, location, and justification for utilizing Mobile ID.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Mobile Fingerprint Identification*

---

Additional information will include the subject's name, date of birth, address, phone number and results of identification attempts.

#### **437.9 TRAINING**

Mobile ID users must be trained upon assignment per the Mobile ID procedure prior to use of the device.

[Procedure Manual: 437 Mobile Fingerprint Identification](#)

#### **437.10 AUDITING AND PENALTIES FOR MISUSE**

All Mobile ID use is subject to audit by the MSP. All audit findings and administrative sanctions imposed are at the sole discretion of the MSP. Penalties that may be imposed include, but are not limited to, termination of a User's access to Mobile ID, termination of a Scanner's access to Mobile ID, and termination of agency-wide access to Mobile ID.

#### **437.11 ANNUAL REPORT**

The Patrol Division Commander in conjunction with the Department Coordinator should complete an annual report to the Chief of Police concerning the progress and status of Mobile Fingerprint Identification Program.

## **Chapter 5 - Traffic Operations**

## Traffic

### 500.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for improving public safety through education and enforcement of traffic-related laws.

### 500.2 POLICY

It is the policy of the Traverse City Police Department to educate the public on traffic-related issues and to enforce traffic laws. The efforts of the Department will be driven by such factors as the location and/or number of traffic accidents, citizen complaints, traffic volume, traffic conditions and other traffic-related needs. The ultimate goal of traffic law enforcement and education is to increase public safety.

### 500.3 DEPLOYMENT

Enforcement efforts may include such techniques as geographic/temporal assignment of department members and equipment, the establishment of preventive patrols to deal with specific categories of unlawful driving and a variety of educational activities. These activities should incorporate methods that are suitable to the situation; timed to events, seasons, past traffic problems or locations; and, whenever practicable, preceded by enforcement activities.

Several factors will be considered in the development of deployment schedules for department members. State and local data on traffic accidents are a valuable resource. Factors for analysis include, but are not limited to:

- Location.
- Time.
- Day.
- Violation factors.
- Requests from the public.
- Construction zones.
- School zones.
- Special events.

Department members assigned to uniformed patrol or traffic enforcement functions will emphasize the enforcement of violations that contribute to traffic accidents, and also will consider the hours and locations where traffic accidents tend to occur. Members will take directed enforcement action on request, and random enforcement action when appropriate. Members shall maintain high visibility while working general enforcement, especially in areas where traffic accidents frequently occur.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Traffic*

---

#### **500.4 ENFORCEMENT**

Traffic enforcement will be consistent with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas. The number of arrests or citations issued by any member shall not be used as the sole criterion for evaluating member overall performance.

Several methods are effective in the reduction of traffic accidents.

Officers should take appropriate enforcement action upon observation of violations listed below, commensurate with the seriousness of the violation.

Traffic enforcement may include, but not limited to, the following violations, in accordance with applicable State of Michigan statutes and City of Traverse City ordinances:

- (a) Speeding violations (operating in excess of the posted or statutory limits or in violation of basic speed laws)
- (b) Hazardous moving violations (reckless driving, careless driving, disregarding traffic control devices / signals)
- (c) Off-Road Vehicle (ORV) violations
- (d) Equipment and Inspection violations
- (e) Public Carrier / Commercial Motor Vehicle (CMV) violations
- (f) Licensing / Title / Registration / Insurance violations
- (g) Parking violations
- (h) Pedestrian violations
- (i) Bicycle / Motorized Bicycle violations

Generally, the policy for issuing traffic citations for violations of newly enacted laws becomes effective immediately when the new law takes effect. The Chief of Police, or authorized designee, has the authority to establish a warning period for newly enacted laws or regulations, except where the law specifies no warning period is permitted.

For enforcement on violations such as Driving While License Suspended / Denied / Revoked (DWLS) or Operating While Intoxicated / Impaired (OWI), see the specific section or policy relating to such.

##### **500.4.1 WARNINGS**

Warnings are a non-punitive option that may be considered by the member when circumstances warrant, such as when a minor violation was inadvertent. All warnings should be recorded within the CAD narrative.

##### **500.4.2 CITATIONS**

Citations should be issued when a member believes it is appropriate. When issuing a citation for a traffic violation, it is essential that the rights and requirements imposed on motorists be fully explained. At a minimum, motorists should be provided with (MCL 257.728):

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Traffic*

---

- (a) An explanation of the violation or charge.
- (b) The court appearance procedure, including the optional or mandatory appearance by the motorist.
- (c) A notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

#### **500.4.3 PHYSICAL ARREST**

Physical arrest can be made on a number of criminal traffic offenses. These cases usually deal with, but are not limited to:

- (a) Vehicular manslaughter.
- (b) Felony and misdemeanor operating while intoxicated (OUI) of alcohol or drugs (MCL 257.625).
- (c) Felony or misdemeanor hit-and-run (MCL 257.617).
- (d) The violator demands arraignment in lieu of a citation (MCL 257.728).
- (e) Reckless driving resulting in injury or death (MCL 257.626).

#### **500.5 SUSPENDED OR REVOKED LICENSES**

If an officer contacts a traffic violator who is also driving on a suspended or revoked license, the officer should make an arrest or in appropriate situations, issue a traffic citation and complete a report.

#### **500.6 UNKNOWN RISK AND HIGH RISK TRAFFIC STOPS**

The following procedures should be employed by officers where it is possible to execute an unknown risk or high risk traffic stop:

- (a) When planning to stop the vehicle, the officer shall notify central dispatch of the vehicle's plate, location, a description of the vehicle (including make / model / color, if known), as well as communicating the reason for the high risk stop and other appropriate information to aid assisting units.
- (b) A high risk stop should not be initiated individually. Whenever possible, officers should wait for back-up units, unless the urgency demands immediate action.
- (c) The stop should be executed in a manner that maximizes opportunities for cover, minimizes the possibility of cross fire, and in a manner that will illuminate the interior of the stopped vehicle. Once the vehicle has stopped, officers should assume positions of cover by using their patrol vehicle or as otherwise may be appropriate.
- (d) The officer in charge shall first identify them self and then notify the occupants that they must follow all instructions. Only one officer, the officer in charge, shall issue commands. The officer in charge may change as necessary. The officer in charge shall give appropriate instructions to the occupants to exit the vehicle, allowing them to be safely detained by assisting officers. Where possible, the instructions should be given over the patrol car Public Address (PA) system.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### Traffic

---

- (e) Once the occupants of the vehicle have exited and have been safely detained, officers should, with appropriate cover, approach the vehicle and inspect the passenger compartment and trunk, as may be necessary and justified, under the given circumstances.

#### **500.7 ENFORCEMENT FOR SPECIAL CLASSES OF OFFENDERS**

##### 500.7.1 NON-RESIDENT OF MICHIGAN

In instances where a traffic violation is committed by a person who is a non-resident of Michigan and the officer determines that a citation will be issued, the officer will handle the violation as they would any other class of offender. Public Act 566 of 2018 amended the Michigan Vehicle Code (MVC) to prohibit taking security from a non-resident upon issuing a civil infraction.

##### 500.7.2 JUVENILES

In instances where a traffic violation is committed by a juvenile and the officer determines that a citation will be issued, the officer will handle the violation as they would any other class of offender. After the issuance of the citation, the juvenile will be allowed to continue to travel freely if a current, valid driver's license can be verified. If the traffic violation is a misdemeanor or felony, the officer will be required to contact the juvenile's parent(s)/guardian(s), complete a formal report, which will then be forwarded to the Grand Traverse County Prosecuting Attorney's Office for review before a juvenile petition is issued. In the event that the violation does not allow for the juvenile to continue to travel freely at the conclusion of the traffic stop, the juvenile's parent(s)/guardians(s) shall be contacted, and arrangements shall be made for the disposition of the juvenile.

##### 500.7.3 MILITARY PERSONNEL

Military personnel include regular members of the Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, and Reserve components serving on active duty. These individuals are required to have a valid license from their state of residence and are subject to physical arrest and the issuance of traffic citations under the same guidelines as any other civilian, with the exception of when "war" has been declared or immediate military action against a foreign, hostile government has taken place. In such cases, no physical arrest, except in those cases of treason or felonies, will be made on any military personnel going to, remaining at, or in the process of reporting to a duty station.

While completing any traffic citation for military personnel in the citation issuing software, the officer will check the box designated "Person in Active Military Service" on the "Court" page. This will cause the traffic citation to indicate the offender's status as active duty military.

In investigating traffic accidents involving active duty military personnel who are either injured to the extent that they require hospitalization or have been killed, the investigating officer/detective shall notify the appropriate military branch service office. In any case involving United States military/government equipment that is seized, towed, or confiscated, the appropriate government agency will be notified as soon as possible.



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Traffic*

---

If an individual on active duty is arrested for a felony, the shift supervisor will contact the appropriate local military branch office as soon as possible and advise them of the arrest.

#### **500.7.4 GOVERNMENT OFFICIAL: UNITED STATES CONGRESS MEMBERS/STATE LEGISLATORS**

Members of the United States Congress will, in all cases except for treason, felonies, and Breach of Peace, be immune from arrest during their attendance at the session of their respective houses and in going to and returning from the same, and for speech or debate in either house. This does not preclude the issuance of a traffic citation.

Article IV, Section 11 of the Michigan Constitution provides that "senators and representatives shall be privileged from civil arrest and civil process during sessions of the legislature and for five days next before the commencement and after the termination thereof. They shall not be questioned in any other place for any speech in either house."

#### **500.7.5 FOREIGN DIPLOMATS/CONSULAR OFFICIALS**

Diplomatic immunity, a principle of international law, is broadly defined as the exemption of ordinary processes of law afforded diplomatic representatives of foreign governments, their families, official staff, and servants while serving abroad. Persons with diplomatic immunity are protected by unlimited immunity from arrest, detention, and prosecution for any civil or criminal offense under current federal law (i.e., 22 USC 252). As such, diplomatic personnel should be treated with respect and courtesy befitting their distinguished positions. At the same time, it is the duty of all persons enjoying such privileges and immunities to respect local laws and regulations.

For procedures on traffic enforcement protocols involving foreign diplomats and consular officials, refer to the Foreign Diplomats and Consular Representatives policy.

#### **500.8 REQUEST FOR DRIVER REEXAMINATION**

Routine enforcement, accident reporting, and investigation activities routinely lead to the discovery of drivers who are suspected of incompetency through physical or mental disabilities, disease, or other conditions which might prevent the person from exercising reasonable and ordinary care over a motor vehicle.

Officers detecting such a person will complete the OC-88 form to request reexamination of the driver by the Michigan Department of Secretary of State. These forms are to be filled out online through the Department of Secretary of State, located at:

[michigan.gov/sos/drivereval](https://michigan.gov/sos/drivereval)

Specifics of the incident must be written in such a manner that reasonable grounds for the reexamination can be conclusively established by the reviewer of the request.

Officers should be mindful that age of the driver is never the sole basis for a proper request for reexamination. For motorists of advanced age, the officer should specifically state the apparent cause for poor driving, i.e., visual problems, lack of knowledge of traffic laws, medical problems, and so forth.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Traffic*

---

#### **500.9 HIGH-VISIBILITY VESTS**

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic or by maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601).

##### **500.9.1 REQUIRED USE**

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn when increased visibility would improve the safety of the department member or when the member will be exposed to the hazards of passing traffic or will be maneuvering or operating vehicles, machinery and equipment.

Examples of when high-visibility vests should be worn include traffic control duties, traffic accident investigations, lane closures and disaster scenes.

When emergency conditions preclude the immediate donning of the vest, members should retrieve and wear the vest as soon as conditions reasonably permit.

Use of the vests shall also be mandatory when directed by a supervisor.

##### **500.9.2 CARE AND STORAGE**

High-visibility vests shall be maintained in the trunk of each patrol and investigation vehicle, in the side box of each police motorcycle and in the gear bag of each patrol bicycle. Each vest should be stored inside a resealable plastic bag to protect and maintain the vest in a serviceable condition. Before going into service, each member shall ensure that a serviceable high-visibility vest is properly stored.

A supply of high-visibility vests will be maintained and made available for replacement of damaged or unserviceable vests. The Training Manager should be promptly notified whenever the supply of vests needs replenishing.

# Traffic Accident Investigation

## 501.1 PURPOSE AND SCOPE

This policy provides guidelines for responding to and investigating traffic accidents.

## 501.2 POLICY

It is the policy of the Traverse City Police Department to respond to traffic accidents and render or summon aid to injured victims as needed. The Department will investigate and prepare reports according to the established minimum reporting requirements with the goal of reducing the occurrence of accidents by attempting to identify the cause of the accident and through enforcing applicable laws. Unless restricted by law, traffic accident reports will be made available to the public upon request.

## 501.3 RESPONSE

Upon arriving at the scene, the responding member should assess the need for additional resources and summon assistance as appropriate. Generally, the member initially dispatched to the scene will be responsible for the investigation and report, if required, unless responsibility is reassigned by a supervisor.

A supervisor should be called to the scene when the incident:

- (a) Is within the jurisdiction of this department and there is:
  - 1. A life-threatening injury.
  - 2. A fatality.
  - 3. A City vehicle involved.
  - 4. A City official or employee involved.
  - 5. Involvement of an on- or off-duty member of this department.
- (b) Is within another jurisdiction and there is:
  - 1. A City of Traverse City vehicle involved.
  - 2. A City of Traverse City official involved.
  - 3. Involvement of an on-duty member of this department.

### 501.3.1 MEMBER RESPONSIBILITIES

Upon arriving at the scene, the responding member should consider and appropriately address:

- (a) Traffic direction and control.
- (b) Proper placement of emergency vehicles, cones, roadway flares or other devices if available to provide protection for members, the public and the scene.
- (c) First aid for any injured parties if it can be done safely.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Traffic Accident Investigation*

---

- (d) The potential for involvement of hazardous materials.
- (e) The need for additional support as necessary (e.g., traffic control, emergency medical services, fire department, hazardous materials response, tow vehicles).
- (f) Clearance and cleanup of the roadway.

#### **501.4 NOTIFICATION**

If a traffic accident involves a life-threatening injury or fatality, the responding officer shall notify a supervisor or, if unavailable, the Shift Commander. The Shift Commander or any supervisor may assign a traffic investigator or other appropriate personnel to investigate the incident. The Shift Commander will ensure notification is made to the Patrol Captain, department command staff and City Manager in accordance with the Major Incident Notification Policy.

##### 501.4.1 NOTIFICATION OF FAMILY

In the event of a life-threatening injury or fatality, the supervisor responsible for the incident should ensure notification of the victim's immediate family or coordinate such notification with the Medical Examiner, a member trained in death notifications or another suitable person. Notification should be made as soon as practicable following positive identification of the victim.

The identity of any person seriously injured or deceased in a traffic accident should not be released until notification is made to the victim's immediate family.

#### **501.5 MINIMUM REPORTING REQUIREMENTS**

An accident report shall be taken when:

- (a) A fatality, any injury (including complaint of pain), operating under the influence or hit-and-run is involved.
- (b) An on-duty member of the City of Traverse City is involved.
- (c) The accident results in any damage to any City-owned or leased vehicle.
- (d) The accident involves any other public agency driver or vehicle.
- (e) There is damage to public property.
- (f) Damage to property appears to exceed \$1000.
- (g) There is damage to any vehicle to the extent that towing is required.
- (h) Prosecution or follow-up investigation is contemplated.
- (i) Directed by a supervisor.

##### 501.5.1 PRIVATE PROPERTY

Generally, reports should not be taken when a traffic accident occurs on private property unless it involves an injury or fatality, a hit-and-run violation or other traffic law violation. Members may provide assistance to motorists as a public service, such as assisting them in the completion of

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Traffic Accident Investigation*

---

a private property crash report, directing them to the on-line reporting system and/or exchanging information and arranging for the removal of the vehicles.

##### **501.5.2 CITY VEHICLE INVOLVED**

A traffic accident report shall be taken when a City vehicle is involved in a traffic accident that results in property damage or injury.

A general information report may be taken in lieu of a traffic accident report at the direction of a supervisor when the incident occurs entirely on private property or does not involve another vehicle.

Whenever there is damage to a City vehicle, a vehicle damage report shall be completed and forwarded to the appropriate Division Commander. The traffic investigator or supervisor at the scene should determine what photographs should be taken of the scene and the vehicle damage.

##### **501.5.3 INJURED ANIMALS**

Department members should refer to the Animal Control Policy when a traffic accident involves the disposition of an injured animal.

#### **501.6 INVESTIGATION**

When a traffic accident meets minimum reporting requirements the investigation should include, at a minimum:

- (a) Identification and interview of all involved parties.
- (b) Identification and interview of any witnesses.
- (c) A determination of whether a violation of law has occurred and the appropriate enforcement action.
- (d) Identification and protection of items of apparent evidentiary value.
- (e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence, reporting) on the appropriate forms.

##### **501.6.1 INVESTIGATION BY OUTSIDE LAW ENFORCEMENT AGENCY**

The Patrol Captain or on-duty Shift Commander should request that the Michigan State Police or other outside law enforcement agency investigate and complete a traffic accident investigation when a life-threatening injury or fatal traffic accident occurs within the jurisdiction of the Traverse City Police Department and involves:

- (a) An on- or off-duty member of the Department.
  - 1. The involved member shall complete the department traffic accident form. If the member is unable to complete the form, the supervisor shall complete it.
- (b) An on- or off-duty official or employee of the City of Traverse City.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Traffic Accident Investigation*

---

Department members shall promptly notify a supervisor when any department vehicle is involved in a traffic accident. The accident investigation and report shall be completed by the agency having jurisdiction.

#### **501.7 ENFORCEMENT ACTION**

After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of a traffic law contributed to the accident, authorized members should issue a citation or arrest the offending driver, as appropriate (MCL 257.728; MCL 600.8807).

More serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter or other felonies, shall be enforced. If a driver who is subject to enforcement action is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

#### **501.8 REPORTS**

Department members shall utilize forms approved by the Michigan State Police as required for the reporting of traffic accidents. All such reports shall be forwarded to the Patrol Division for approval and filing.

##### **501.8.1 REPORT MODIFICATION**

A change or modification of a written report that alters a material fact in the report may be made only by the member who prepared the report, and only prior to its approval and distribution. Once a report has been approved and distributed, corrections shall only be made by way of a written supplemental report. A written supplemental report may be made by any authorized member.

##### **501.8.2 PATROL CAPTAIN RESPONSIBILITIES**

The responsibilities of the Patrol Captain include, but are not limited to:

- (a) Ensuring the monthly and quarterly reports on traffic accident information and statistics are forwarded to the Chief of Police or other persons as required.
- (b) Ensuring that all traffic accident reports are completed in a timely manner and forwarded to the Michigan State Police.
- (c) Maintaining a copy of all traffic accident reports for a minimum of 3 years (MCL 257.622).

#### **501.9 RESPONSIBILITIES OF MEMBERS INVOLVED IN ACCIDENTS**

Department members shall remain at the scene of the traffic accident until the arrival of the Shift Supervisor, unless medical attention necessitates removal of the member. While awaiting the arrival of the Shift Supervisor, Department members should check the well-being of other parties involved in the crash, and summon medical assistance and tow vehicles as necessary.

##### **501.9.1 SHIFT COMMANDER RESPONSIBILITIES IN MEMBER INVOLVED ACCIDENTS**

The Shift Commander will respond to the scene of any accident involving an on- or off-duty member of the Department. Upon arrival at the scene, the Shift Commander will assess injuries of all parties involved and if medical Attention or clearance is needed by the involved member.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Traffic Accident Investigation*

---

The Shift Commander will determine if any photographs are needed for Department records, as well as document any in-car video recordings that may pertain to the accident.

#### 501.9.2 DIVISION COMMANDER RESPONSIBILITIES

The responsibility to administratively investigate and meaningfully review all member related motor vehicle accidents will rest with the involved member's Division Commander. The Division Commander will receive a copy of all the related reports, photographs, and in-car video footage, as well as the completed Incident Report completed by the involved member. Using the information obtained from these sources, the Division Commander can make recommendations to implement findings of the administrative investigation and meaningful review, such as policy changes, training, equipment enhancements, and/or discipline.

## Vehicle Towing

### 502.1 PURPOSE AND SCOPE

This policy provides guidance related to vehicle towing. Nothing in this policy shall require a member of this department to tow a vehicle.

### 502.2 POLICY

The Traverse City Police Department will tow vehicles when appropriate and in accordance with the law.

### 502.3 REMOVAL OF VEHICLES DUE TO HAZARD

When a vehicle should be towed because it presents a hazard, the owner or operator should arrange for the towing. Department members may assist by communicating requests through Central Dispatch to expedite the process.

If the owner or operator is unable to arrange for towing and the vehicle presents a hazard, the vehicle may be towed at the direction of the department member (MCL 257.252d).

Vehicles that are not the property of the City should not be driven by department members unless it is necessary to move the vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or comply with posted signs.

### 502.4 ARREST SCENES

Whenever the owner or operator of a vehicle is arrested, the arresting officer should provide reasonable safekeeping by leaving the vehicle secured and lawfully parked at the scene or, when appropriate, by having the vehicle towed, such as when the vehicle presents a traffic hazard or the vehicle would be in jeopardy of theft or damage if left at the scene.

Officers are not required to investigate whether alternatives to towing a vehicle exist after an arrest. However, a vehicle should not be towed if reasonable alternatives exist. When considering whether to leave a vehicle at the scene, officers should take into consideration public safety as well as the reasonable safety of the vehicle and its contents.

The following are examples of situations where a vehicle should not be towed:

- The vehicle can be legally parked, left in a reasonably secure and safe location and is not needed as evidence.
- The vehicle is parked on private property, on which the arrestee or owner is legally residing, or the property owner does not object to the vehicle being parked at that location.
- The arrestee or owner of the vehicle requests that it be released to a person who is present, willing and able to legally take control of the vehicle.



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Vehicle Towing*

---

- The vehicle is legally parked and the arrestee or owner requests that it be left at the scene. In such cases the requester should be informed that the Department will not be responsible for theft or damages.

#### **502.5 VEHICLES RELATED TO CRIMINAL INVESTIGATIONS**

Officers should tow vehicles that are needed for the furtherance of an investigation or prosecution of a case, or that are otherwise appropriate for seizure as evidence. Officers should make reasonable efforts to return a recovered stolen vehicle to its owner rather than have it towed, so long as the vehicle is not needed for evidence.

#### **502.6 RECORDS**

Central Records Division members shall ensure that pertinent data regarding a towed vehicle is promptly entered into the appropriate database.

##### 502.6.1 VEHICLE IMPOUND FORM

Department members towing a vehicle shall complete a vehicle impound form and attach it to the coordinating police report. Central Records Division

[Procedure Manual: 502.1 PURPOSE AND SCOPE](#)

##### 502.6.2 NOTICE OF TOW

When a vehicle is to be towed, it is the responsibility of the coordinating officer to notify Central Dispatch via radio or the mobile data terminal of the tow. Within 24 hours of a vehicle being towed, it shall be the responsibility of the Central Records Division to send a notice of tow to the Michigan Secretary of State through the Michigan Law Enforcement Information Network (LEIN). The notice shall include (MCL 257.252a):

- (a) The name, address, and telephone number of the Traverse City Police Department.
- (b) The location where the vehicle is stored.
- (c) A description of the vehicle including:
  1. Color.
  2. Manufacturer year.
  3. Make and model.
  4. License plate number and/or Vehicle Identification Number (VIN).
  5. Mileage.
- (d) The authority and purpose for the removal of the vehicle.
- (e) An explanation of the procedure for release of the vehicle and for obtaining a vehicle tow hearing.
- (f) The address or location from where the vehicle was towed.
- (g) The name of the court with jurisdiction over the case.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Vehicle Towing*

---

- (h) The date the vehicle is being entered into the law enforcement information network and whether the information is being entered within 24 hours after the vehicle was taken into custody.

Upon receipt of the above information, the Michigan Secretary of State will provide the notice of towing to the last-titled owner.

#### **502.7 TOWING SERVICES**

Members shall not show preference among towing services that have been authorized for use by the Department. A rotation or other system established by the Central Dispatch for tow services should be followed.

#### **502.8 VEHICLE INVENTORY**

The contents of all vehicles towed at the request of department members shall be inventoried and listed on the vehicle impound form. When reasonably practicable, photographs may be taken to assist in the inventory.

- (a) An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle including, but not limited to, any unlocked glove box, other accessible areas under or within the dashboard area, any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats and under the seats.
- (b) In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in any other type of unlocked compartments that are a part of the vehicle, including unlocked vehicle trunks and unlocked car top containers.
- (c) Any locked compartments including, but not limited to, locked glove compartments, locked vehicle trunks, locked hatchbacks and locked car-top containers should be inventoried, provided the keys are available and released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle.
- (d) Closed containers located either within the vehicle or any of the vehicle's compartments will not be opened for inventory purposes except for the following: wallets, purses, coin purses, fanny packs, personal organizers, briefcases or other closed containers designed for carrying money, small valuables or hazardous materials.

Members should ask the occupants whether the vehicle contains any valuables or hazardous materials. Responses should be noted in the inventory section of the vehicle impound form. If the occupant acknowledges that any closed container contains valuables or a hazardous material, the container shall be opened and inventoried. When practicable and appropriate, such items should be removed from the vehicle and given to the owner, or booked into property for safekeeping.

Any cash, jewelry or other small valuables located during the inventory process will be noted in the inventory section of the vehicle impound form and held for safekeeping, in accordance with the Property and Evidence Section Policy.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Vehicle Towing*

---

The vehicle impound form with listed inventory items will be kept with the police report for reference.

These inventory procedures are for the purpose of protecting the vehicle owner's property, providing for the safety of department members and protecting the Department against fraudulent claims of lost, stolen or damaged property.

Towing a vehicle in order to perform an inventory should not be used as a pretext for an evidence search. Nothing in this policy prevents the towing of a vehicle that would occur for reasons independent of any suspicion that the vehicle may contain evidence if it is otherwise justified by law or this policy.

#### **502.9 SECURITY OF VEHICLES AND RETRIEVAL OF PROPERTY**

If the search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, the department member conducting the search shall take such steps as are reasonably necessary to secure or protect the vehicle or property from such hazards.

Unless it would cause an unreasonable delay in towing the vehicle or create an issue of officer safety, reasonable accommodations should be made to permit the owner, operator or occupant to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

Members who become aware that a vehicle may have been towed by the Department in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the owner or his/her agent to request a hearing to contest the tow.

# Operating While Intoxicated or Impaired

## 503.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of operating while intoxicated or impaired (OWI).

## 503.2 POLICY

The Traverse City Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Michigan's OWI laws. The Traverse City Police Department shall refer to the procedure, Operating While Intoxicated or Impaired, as well as the coordinating forms as outlined below.

[Procedure Manual: 503 Operating While Intoxicated or Impaired](#)

## 503.3 INVESTIGATIONS

Officers should not enforce OWI laws to the exclusion of their other duties unless specifically assigned to OWI enforcement. All officers are expected to enforce these laws with due diligence.

The Patrol Captain will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any OWI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

- (a) The standardized field sobriety tests (SFSTs) administered and the results.
- (b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- (c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
- (d) Information about any audio and/or video recording of the individual's driving or subsequent actions.
- (e) The location and time frame of the individual's vehicle operation and how this was determined.
- (f) Any prior related convictions in Michigan or another jurisdiction.

## 503.4 FIELD TESTS

The Patrol Captain should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of OWI laws. Officers should use the most accurate FST or combination of FSTs for the situation as properly trained.

## 503.5 CHEMICAL TESTS

A person implies consent under Michigan law to a chemical test or tests, and to providing the associated chemical sample as follows (MCL 257.625c):

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Operating While Intoxicated or Impaired*

---

- (a) The person operates a vehicle upon a public highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles and the person is arrested for most OWI-related offenses.
- (b) A person who is afflicted with hemophilia, diabetes or a condition requiring the use of an anticoagulant under the direction of a physician is not considered to have given consent to the withdrawal of blood.

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

#### 503.5.1 STATUTORY NOTIFICATIONS

A person arrested for OWI shall be advised of his/her chemical test rights by reading them from the appropriate form (MCL 257.625a).

Officers shall advise drivers of commercial vehicles that a refusal to take a preliminary breath test is a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100, or both, and will result in the issuance of a 24-hour out-of-service order (MCL 257.625a).

#### 503.5.2 CHOICE OF TESTS

Officers shall respect a viable choice of chemical test made by an arrestee, as provided for by law (e.g., breath will not be acceptable for suspected narcotics influence) (MCL 257.625a).

#### 503.5.3 BREATH SAMPLES

The Patrol Captain should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

The roadside preliminary breath test equipment is maintained by a certified TCPD Class III PBT operator each month which includes calibration. The calibration records are supervised by a Sergeant and kept in the Sergeant's office.

The PBT that is completed at the Grand Traverse County Jail (GTCJ) using the DMT DataMaster breath alcohol test instrument is maintained by the Michigan State Police (MSP) which includes calibration. All records are maintained at the GTCJ.

Officers obtaining a breath sample on either device shall be properly trained and should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the appropriate staff member.

#### 503.5.4 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples. The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task (MCL 257.625a).

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Operating While Intoxicated or Impaired*

---

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test (MCL 257.625c).

Such inability to take a blood test shall not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

#### **503.5.5 URINE SAMPLES**

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the sample (MCL 257.625a).

The sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

#### **503.6 REFUSALS**

When an arrestee refuses to provide a chemical sample, officers shall:

- (a) Advise the arrestee of the requirement to provide a sample.
- (b) Audio- and/or video-record the admonishment and the response when it is practicable.
- (c) Document the refusal in the appropriate report.

##### **503.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL**

Upon refusal to submit to a chemical test, officers shall advise the person of the refusal consequences by reading from the appropriate form (MCL 257.625e).

##### **503.6.2 BLOOD SAMPLE WITHOUT CONSENT**

A blood sample may be obtained from a person who refuses a chemical test when a search warrant has been obtained (MCL 257.625d).

##### **503.6.3 FORCED BLOOD SAMPLE**

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Operating While Intoxicated or Impaired*

---

- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes, a viable form of testing in a timely manner.
- (c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer), and attempt to persuade the individual to submit to providing such a sample without physical resistance.
  - 1. This dialogue should be recorded on audio and/or video when practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure that the forced blood draw is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:
  - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
  - 2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
  - 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform the duties of a supervisor, as set forth above.

#### **503.7 ARREST AND INVESTIGATION**

Generally, an officer with probable cause may arrest a person for OWI offenses not committed in the officer's presence when (MCL 257.625a; MCL 257.625m):

- (a) The person is found in the driver's seat of a vehicle parked or stopped on a highway or street and any part of the vehicle intrudes into the roadway.
- (b) The driver was involved in an accident.

##### **503.7.1 RIGHT TO ATTORNEY CONTACTS**

Arrestees should be allowed a reasonable opportunity to consult with an attorney before being required to submit to a chemical test if the delay would not unreasonably interfere with evidence collection.

##### **503.7.2 RIGHT TO SECOND TEST**

A person who takes a chemical test shall be given a reasonable opportunity to have a person of his/her own choosing administer a separate chemical test within a reasonable time after his/her detention (MCL 257.625a).

##### **503.7.3 REPORTING**

The Patrol Captain shall ensure that this department complies with all state reporting requirements pursuant to MCL 257.625i.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Operating While Intoxicated or Impaired*

---

##### **503.7.4 TEMPORARY LICENSES**

In the case of a positive test result or a refusal, the arresting officers shall ensure that temporary licenses are issued and licenses are destroyed pursuant to MCL 257.625g. Related state forms shall be completed and forwarded in a timely fashion.

##### **503.8 CENTRAL RECORDS DIVISION RESPONSIBILITIES**

The Records Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

##### **503.9 ADMINISTRATIVE HEARINGS**

The Records Supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the Michigan Secretary of State (SOS).

Any officer who receives notice of required attendance at an administrative license suspension hearing should promptly notify the prosecuting attorney.

An officer called to testify at an administrative hearing should document the hearing date and the SOS file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.



## Traffic and Parking Citations

### 504.1 PURPOSE AND SCOPE

This policy outlines the responsibilities for issuing, correcting, voiding and dismissing traffic and parking citations.

### 504.2 POLICY

It is the policy of the Traverse City Police Department to enforce traffic laws fairly and equally. Authorized members may issue a traffic or parking citation along with a written or verbal warning based upon the circumstances of the contact and in the best interest of the motoring public and community safety.

### 504.3 RESPONSIBILITIES

The Shift Sergeant shall be responsible for the supply and accounting of all traffic and parking citations issued to members of this department. Citations will be kept in the Sergeant's office and issued to members by the Shift Sergeant. Members will sign for the citation books when issued or upon return of unused citations.

Members of the Traverse City Police Department shall only use department-approved traffic and parking citation forms and shall use electronic citations whenever available.

### 504.4 TRAFFIC CITATIONS

#### 504.4.1 CORRECTION

When a traffic citation is issued but is in need of correction, the member issuing the citation shall submit the citation and a letter to his/her immediate supervisor requesting a specific correction. Once approved, the citation and letter shall then be forwarded to the Central Records Division. The Records Supervisor or the authorized designee shall prepare a letter of correction to the court having jurisdiction and notify the citation recipient in writing.

#### 504.4.2 VOIDING

Voiding a traffic citation may occur when the citation has not been completed or when it is completed but not issued. All copies of the voided citation shall be presented to a supervisor for approval. The citation and copies shall then be forwarded to the Central Records Division.

#### 504.4.3 DISMISSAL

Members of this department do not have the authority to dismiss a traffic citation once it has been issued. Only the court has that authority. Any request from a recipient to dismiss a citation shall be referred to the Patrol Captain. If approved, the citation will be forwarded by the issuing officer to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for dismissal has been denied shall be referred to the appropriate court.

Prior to a court hearing, a member may submit a request for dismissal of a traffic citation to his/her supervisor. The request must be in writing and should include the reason for dismissal (i.e., in

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Traffic and Parking Citations*

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the interest of justice, prosecution is deemed inappropriate). Upon a review of the circumstances involving the issuance of the traffic citation, the supervisor may forward the request to the Patrol Services Division Commander to recommend dismissal. If approved, the citation will be forwarded to the appropriate court with a request for dismissal.

Should a member determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the member may request the court to dismiss the citation. Upon such dismissal, the member shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required, and forward it to the Patrol Services Division Commander for review.

#### **504.4.4 DISPOSITION**

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the member's immediate supervisor for review by the end of each shift. The citation copies shall then be filed with the Central Records Division.

Upon separation from appointment or employment with this department, all members who were issued traffic citation books shall return any unused citations to the Central Records Division.

#### **504.4.5 JUVENILE CITATIONS**

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency and the type of offense should be considered before issuing a juvenile a citation.

#### **504.5 PARKING CITATION APPEALS**

Parking citations may be appealed in accordance with local and state law.

## Disabled Vehicles

### 505.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for department members who provide assistance to motorists in disabled vehicles within the primary jurisdiction of the Traverse City Police Department.

### 505.2 POLICY

It is the policy of the Traverse City Police Department to assist motorists with disabled vehicles until those vehicles are safely removed from the roadway. Members should take appropriate action to mitigate potential problems when a vehicle constitutes a traffic hazard or the safety of the motorist is a concern.

### 505.3 RESPONSIBILITIES

When an on-duty member of this department sees a disabled vehicle on the roadway, the member should make a reasonable effort to provide assistance. If this is not reasonably possible, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another department member to respond as soon as practicable.

### 505.4 ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department members will be contingent on the time of day, the location, the availability of department resources and the vulnerability of the disabled motorist.

#### 505.4.1 MECHANICAL REPAIRS

Department members shall not make mechanical repairs to a disabled vehicle. The use of push bumpers, with consent of the owner, to relocate vehicles to a position of safety is not considered a mechanical repair.

#### 505.4.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

#### 505.4.3 RELOCATION OF MOTORISTS

The relocation of a motorist with a disabled vehicle should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the motorist or transport him/her to a safe area to await pickup.

## Traffic Direction and Control

### 506.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures and guidelines for department members who provide assistance to motorists with traffic direction and control in the field, and to provide guidance to members during instances where general and emergency assistance to the public is necessary.

### 506.2 POLICY

It is the policy of the Traverse City Police Department to assist motorists with the direction and control of traffic in various situations. Members should take appropriate action to control the direction and

flow of traffic in situations such as weather emergencies, utility outages or emergencies, at the scenes of fires, and other such events. Members may utilize various means of traffic direction and control, including the use of traffic cones, flares, flashlights, hand signals and gestures, and the manual operation of traffic signals. Traffic direction and control procedures are designed to facilitate the safe flow of vehicle and pedestrian traffic as required by road conditions and emergency situations.

### 506.3 MANUAL TRAFFIC DIRECTION AND CONTROL

The member should position their patrol vehicle in a manner that assists with the traffic control function. Overhead lights should be activated to warn approaching traffic.

When manually directing or controlling traffic, members should utilize standard manual hand signals:

- (a) To Stop Traffic: The member extends his/her arm outward with the palm facing the vehicle to be stopped. The member may use verbal and/or whistle commands to enhance the physical gesture.
- (b) To Start Traffic: The member moves his/her arm at the elbow in an upward, sweeping motion, with the palm of the hand facing in the direction that traffic is to proceed.
- (c) Left or Right Turns: The member should gesture to the driver by extending his/her arm toward the direction in which the turn is to be made.

### 506.4 USE OF TEMPORARY TRAFFIC CONTROL DEVICES

Temporary traffic control devices, such as road flares, traffic cones, barricades, and other devices, may be used by members when required. Instances that may require the use of temporary traffic control devices may include large public gatherings or events, accident scenes, unanticipated road hazards, and so forth.

Patrol vehicles should be equipped with road flares and traffic cones for use when required. If traffic barricades, temporary stop signs, or other temporary traffic control devices are required, the member should contact the Department of Public Services for their assistance in the temporary placement of such devices.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Traffic Direction and Control*

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##### **506.5 MANUAL OPERATION OF TRAFFIC CONTROL SIGNALS**

Members are authorized to manually operate traffic control signals when circumstances require such operation. A key that may be used to access the controller cabinet for traffic control signals throughout the city is maintained in the patrol sergeant's office. Some situations which may require the manual operation of traffic control signals may include, but are not limited to:

- (a) When special traffic control orders are received from the Department of Public Services or Signs and Signals.
- (b) During special events which require the facilitation of traffic flow due to congestion or for public safety.

##### **506.6 TRAFFIC DIRECTION AND CONTROL AT CRITICAL INCIDENT SCENES**

###### **506.6.1 AT THE SCENE OF FIRES, UTILITY EMERGENCIES, AND OTHER EVENTS**

Members at the scene of critical incidents such as fires, utility emergencies, and other events, will assess the hazards present and take action to minimize the danger and damage to life or property. This may include traffic direction and/or evacuation of the immediate area.

Members should position their patrol vehicles in a manner that will provide a barrier from the public but allows for additional required emergency personnel to access the scene. Members should work in cooperation with all other emergency services personnel.

Any public or vehicular traffic approaching the scene should be directed away from the scene.

###### **506.6.2 AT THE SCENE OF ADVERSE ROAD AND WEATHER CONDITIONS**

Adverse road conditions may arise out of many situations, including hazards such as downed power lines, debris in the roadway, sinkholes, and so forth. Members should notify the appropriate personnel for the purpose of correcting the conditions, such as the Department of Public Services.

Natural hazards, such as fog, rain, ice, and snow, may also present significant hazardous conditions. Members directing traffic during adverse conditions should heed extra safety considerations with regard to diminished driver sight and stopping distances.

## **Chapter 6 - Investigation Operations**

## Investigation and Prosecution

### 600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and dispositions of criminal investigations.

### 600.2 POLICY

It is the policy of the Traverse City Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

### 600.3 INITIAL INVESTIGATION

#### 600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
  - 1. An initial statement from any witnesses or complainants.
  - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the officer shall:
  - 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
  - 2. Determine whether additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
  - 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Shift Commander.
  - 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
  - 5. Collect any evidence.
  - 6. Take any appropriate law enforcement action.
  - 7. Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary and what other resources may be available, and advise the informant or complainant of this information.

#### 600.3.2 CIVILIAN MEMBER RESPONSIBILITIES

A civilian member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Investigation and Prosecution*

---

any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

#### 600.3.3 CASE SCREENING AND MANAGEMENT

A case screening system assists in determining if a case requires follow-up investigation, the bureau best suited to conduct follow-up investigation, and what cases are subject to case closure.

The following procedures should be followed regarding case screening and tracking:

- (a) All reports shall be reviewed by a supervisor of the rank of Sergeant or above.
- (b) The reviewing supervisor will make the determination on whether to assign the case for follow-up investigation and the appropriate personnel to refer the investigation to Detective Bureau or remain with patrol. The referral will be based on case screening and solvability factors. If the case meets criteria for assignment, it will be assigned based on current workload, knowledge, abilities, or expertise, amount of follow-up required, and/or related cases as indicated by type, suspects, or as part of a pattern or series.

In most cases, the original reports will be taken by a uniformed patrol officer. Using the aforementioned review method, cases will then be assigned for follow-up investigation either to remain with Patrol or to the Detective Bureau.

#### 600.3.4 CASE FILE MANAGEMENT

The case management system will take place within the Record Management System (RMS). This system contains, but is not limited to, the ability to manage cases by:

- (a) A report status control system
- (b) Date assigned
- (c) Report number
- (d) Assigned member(s)
- (e) Report type
- (f) Status/Disposition

All cases will be assigned using the RMS. Case review and status will be available to any member who has been granted access to the files. Access is granted via logging in to the RMS utilizing an assigned username and password. Case narratives are available to authorized department personnel on a twenty-four hour basis via the electronic RMS. Files will be coded closed when appropriate, but will not be purged, as they will remain as a permanent section of the records function.

#### 600.3.5 RECORDS AND EXEMPLARS

Records and exemplars shall be electronically attached to the original report. Examples of such records or exemplars are supplemental reports, forms, laboratory reports, written statements, outside agency reports, photographs or any other records deemed necessary to conduct the



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Investigation and Prosecution*

---

investigation. The Freedom of Information Act (FOIA) Coordinator and the Records Bureau shall ensure any information exempt from FOIA is redacted.

For reports that have physical forms or attachments, such as CDs, original paperwork, and so forth, the physical attachments will be maintained in the Records Bureau. A cover sheet for the report will be attached to the physical attachment.

#### **600.3.6 DISPOSITION OF CRIMINAL CASES**

The following case dispositions are used in the RMS when investigating, following up, or closing a case.

- (a) Open - The case remains active and is still being investigated. There may be a LEIN entry involving this case (stolen vehicle, stolen gun, etc.)
- (b) Inactive - The case is no longer being investigated or is unfounded.
- (c) Closed - The case can be 'closed' for multiple reasons:
  - 1. Victim no longer wishes to participate in the criminal justice process.
  - 2. Lack of investigative leads.
  - 3. The case is closed and linked to a different report number for charges.
    - (a) One suspect is connected to multiple MDOP's throughout the city, the PAO will authorize charges under one report and we could close all other similar reports.
  - 4. Report was TOT another agency.
  - 5. Suspect was issued a citation;
  - 6. Suspect has been arrested;
  - 7. TOT Prosecutor for review of charges (for juveniles and adults);
- (d) Restitution Received - The non-sufficient funds complaint or account closed complaint is paid by the suspect.

#### **600.4 CUSTODIAL INTERROGATION REQUIREMENTS**

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

#### **600.4.1 AUDIO/VIDEO RECORDINGS**

The Traverse City Police Department will utilize audiovisual recording equipment anytime a custodial interrogation of a person suspected of the following crimes is conducted (MCL 763.8):

- (a) A felony punishable by imprisonment for life, for life or any term of years, or for a statutory maximum of 20 years or more
- (b) A violation of MCL 750.520d (criminal sexual conduct in the third degree)

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Investigation and Prosecution*

---

The recording will be time stamped and contain the entire interrogation including the notice of the *Miranda* rights. Any objection to the recording will be documented but the recording will continue (MCL 763.8).

Any custodial interrogation of an individual who is suspected of having committed any violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Detective Bureau supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete, and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

#### 600.4.2 INTERVIEW ROOMS: USE AND SECURITY

Interview rooms will be used for custodial and non-custodial interviews of persons suspected of committing a crime, suspects charged with a crime, or for conducting interviews with complainants, witnesses, and victims. Each interview room is equipped with video and audio surveillance that continuously records after being activated. The surveillance feed is capable of being monitored by members of Command Staff, the Detective Bureau Division, and Shift Supervisors.

When utilizing the designated interviews rooms, the following should apply:

- (a) Appropriate safety precautions will be taken while conducting interviews. Members will be aware of weapon(s) control at all times when interviewing detainees, suspects, witnesses, and victims. It will be the sole discretion of the officer/detective whether or not they maintain their authorized weapon on their person while in the interview/interrogation room. Should the officer/detective elect to remove their weapon, it shall be properly secured.
- (b) The number of members present during an interview/interrogation should be kept to a minimum. Typically, this should be no more than two officers/detectives and the person being interviewed. However, it will be the discretion of the conducting member or their supervisor in determining the number of members to be present. Special circumstances may require a parent, a guardian, legal representation, another governmental agency, and so forth.
- (c) Members conducting interviews/interrogations in the Patrol Division will be equipped with portable radios, equipped with emergency assistance buttons. Members utilizing these radios will have the means to summon assistance, if needed.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Investigation and Prosecution*

---

- (d) Members of the Detective Bureau Division will conduct interviews/interrogations in the designated rooms while another member of the bureau is in the general area. If no other members of the bureau are available in the area, the member conducting the interview will enter the interview with their portable radio. The member conducting the interview may utilize the portable radio's equipped emergency assistance button to summon assistance, if needed.
- (e) All individuals being interviewed/interrogated will be provided access to water, restrooms, and other basic needs in a timely manner. It will be at the interviewer's discretion when any break will occur. All individuals who wish to use any facilities will be escorted by a department member at all times within any secured area of the department.

#### **600.5 DISCONTINUATION OF INVESTIGATIONS**

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, there is no reasonable belief that the person who committed the crime can be identified and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
  - 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
  - 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor; charges have been filed; further investigation is not reasonable, warranted or requested; and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.
- (f) Investigation has proved that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Investigation and Prosecution*

---

##### **600.6 COMPUTERS AND DIGITAL EVIDENCE**

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

##### **600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES**

Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the Internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the Internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

###### **600.7.1 ACCESS RESTRICTIONS**

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an Internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Investigation and Prosecution*

---

##### 600.7.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

##### **600.8 IDENTITY THEFT**

A report shall be taken any time a person reports that he/she has been a victim of identity theft that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in the City of Traverse City to facilitate the crime) (MCL § 780.754a). This includes:

- (a) Providing the victim with the appropriate information, as set forth in the Victim and Witness Assistance Policy. Department members should encourage the individual to review the material and should assist with any questions.
- (b) Referring the victim to the Central Records Division to obtain a copy of the police report (MCL § 780.754a).

A member investigating a case of identity theft should ensure that the case is referred to the appropriate agency if it is determined that this department should not be the investigating agency (e.g., an identity theft ring working from out of state). The victim should be advised that the case is being transferred to the agency of jurisdiction. The appropriate entries should be made into any databases that have been authorized for department use and are specific to this type of investigation.

##### **600.9 SPECIAL CRIMINAL INVESTIGATIONS**

###### 600.9.1 REPORTING PROCEDURES

Information or complaints will be taken just as any other complaint. The information or complaint will be reviewed by a supervisor.

Information received regarding criminal activity associated with organized crime, narcotics, and vice crimes will be accepted from any source including complaints to the department, anonymous tips, neighborhood and community groups, etc.

###### 600.9.2 PROCEDURES FOR PROCESSING THE COMPLAINT/INFORMATION

The source of the complaint/information, if possible, will be documented. The activity, pertinent dates, times and any other beneficial information. The information should be documented in the receiving officer's incident report or log entry. This information will then be forwarded to the appropriate resource.

Narcotics information will be forwarded to the TNT detective and departmental crime prevention officer. Any reporting of organized crime will also be forwarded to the local Federal Bureau of Investigation (FBI) branch office.

###### 600.9.3 MAINTAINING A RECORD OF COMPLAINTS/INFORMATION

If an investigation was conducted based on the information received, the investigation shall be documented in the Records Management System.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Investigation and Prosecution*

---

If the information was turned over to or forwarded onto another agency (TNT, FBI, etc) this should be documented in the investigation or log entry. Whether the information was supplied or received, the report or log entry should record the corresponding agency, the information which was shared, and the identity of the person sharing or receiving the information.

#### **600.10 SPECIAL INVESTIGATIVE OPERATIONS**

In order to investigate special criminal activity, detectives or officers may conduct investigations that are not of a conventional nature. Therefore varying tactics may be utilized that are not normally used in conventional investigation.

##### **600.10.1 SURVEILLANCE OPERATIONS**

Guidelines for surveillance of organized crime, narcotics and vice activities are established to meet the goals of law enforcement in these areas. When the need for surveillance is determined, the appropriate supervisor may authorize the surveillance operation taking into consideration staffing and shift strength. The department will utilize all information at its disposal when planning a surveillance operation (including criminal activity in the area and other investigations). A plan will be created by the supervisor and communicated to all participants in the surveillance operation.

The plan may include, but not limited to:

- (a) Analyzing crimes and victims;
- (b) Identifying and analyzing probable offenders and their habits, associates, vehicles, methods of operation or other pertinent information;
- (c) Familiarizing the officer with the neighborhood or target area;
- (d) Determining operational procedures for observation, arrests, and "tails";
- (e) Establishing a means of communication;
- (f) Selecting equipment and vehicles;
- (g) Providing relief; and
- (h) Determining legal ramifications.

##### **600.10.2 UNDERCOVER OPERATIONS**

An undercover operation may generally be considered to be "short term" or "long term"; an undercover operation is generally considered to be "short term" when it refers to day-to-day operations in which an officer assuming an undercover identity meets with suspects to arrange narcotics purchases, purchases of evidence, make arrest, gather intelligence or other information. A "short term" operation is normally conducted in one work shift. Officers of this department do not conduct "long term" undercover operations, however, officers may intermittently conduct "short term" undercover operations as required by their investigation.

The following guidelines for "short term" undercover operations may include, but are not limited to:

- (a) Prior to an officer assuming an undercover capacity to conduct an investigation, the Shift Supervisor shall be notified and briefed on the plan. The Shift Supervisor, after considering the nature of the undercover role, the location of the operation, anticipated

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Investigation and Prosecution*

---

outcomes, and relevant safety factors, shall determine if the operation is feasible under the circumstances.

- (b) When an undercover operation is authorized by the Shift Supervisor, the Shift Supervisor of the officer involved shall assign sufficient back-up support in order to ensure that the operation proceeds as safely as possible.
- (c) When an immediate arrest is anticipated as part of an undercover operation, the Shift Supervisor in charge of the operation shall ensure that the arrest plan is clear and that this phase of the operation is conducted as safely as possible. The use of uniformed patrol officers should be considered. In those cases that involve members of other law enforcement agencies, the Shift Supervisor in charge of the operation shall ensure that every participating agent is aware of the identity of the undercover officer(s) and, when possible, the suspect(s).
- (d) The Shift Supervisor in charge of the operation shall closely monitor the progress of the operation, and shall instruct officers to immediately terminate any undercover operation when, in their judgment, the operation has become unmanageable, officer safety has been compromised, or is not in the best interest of the Traverse City Police Department.

#### 600.10.3 GENERAL CONSIDERATIONS

The following considerations should be made in any undercover operation:

- (a) Backup Support
  - 1. A cover officer should support all undercover officers. The cover officer shall maintain surveillance of the undercover officer, when practical, for the purpose of ensuring the safety and the integrity of the officer and the investigation. The cover officer shall act as a contact for the undercover officer and assure the proper reporting and documentation of the activities of the undercover officer.
  - 2. Communication procedures to be used between the undercover officer and the cover officer(s) shall be clearly established prior to the investigation.
- (b) Reporting Procedures
  - 1. The undercover officer's Shift Supervisor shall ensure that all activities are properly reported and documented.
  - 2. Reporting and documentation may be completed by the undercover officer, the cover officer, or another officer designated by a supervisor.
  - 3. Any deviation from the reporting procedure requires the approval of the Chief of Police.
- (c) Deconfliction
  - 1. Particular attention should be paid to the practice of deconfliction between local jurisdictions. The detective or officer should attempt to contact/notify any local jurisdictions or agencies that may be affected when feasible.
  - 2. In addition to deconfliction at the local level, the assigned detective or officer should report all pre-planned operations to the High Intensity Drug Traffic

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Investigation and Prosecution*

---

Area (HIDTA) Deconfliction Network, prior to the pre-planned operation unless otherwise authorized by a supervisor.

3. In the event HIDTA identifies a potential conflict for a pre-planned operation, the case agent shall immediately contact the identified agency and resolve any conflict that might exist before the pre-planned operation is initiated.
- (d) Notification of the Chief of Police of Special Investigative Operations
1. The Patrol Lieutenant will keep the Chief of Police informed of all ongoing special investigative operations.

#### 600.10.4 DECOY OPERATIONS

The Traverse City Police Department utilizes decoys in the enforcement and compliance of refusing the sale of alcohol to minors. The decoys' primary purpose is to attempt or complete the purchase of alcohol from local vendors utilizing their own Michigan Identification card or Operator's License. The following criteria are utilized for decoys in such operations:

- (a) Decoys selected for the operation shall be between the ages of eighteen to twenty years old. If a decoy is selected under the age of eighteen years old, that decoy may participate with parental consent.
- (b) All decoys selected for the operation shall be run through LEIN, NCIC, and the RMS to verify their identity, background, and good standing.
- (c) Photographs shall be taken of each decoy the day of the operation in order to document their appearance at the time of the operation.
- (d) Only a valid Michigan Identification card or Michigan Operator's License shall be used in the operations by the decoys.
- (e) All decoys receive written and verbal instruction of the operation, and sign a waiver prior to be utilized in the operation.
- (f) Decoys shall be unarmed, and will not wear any clothing displaying any police markings, insignia, or represent the department in any way.

The following procedures are utilized in the deployment of decoys for the enforcement of alcohol sales to minors:

- (a) After decoys have been vetted, briefed, and sign all necessary documentation, a member of the Detective Bureau will accompany the decoy to a retail establishment that sells alcohol.
- (b) The decoy will be provided with cash by the accompanying detective/officer in order to attempt the purchase of alcohol.
- (c) The decoy will enter the establishment alone, and will select a product containing alcohol. The decoy will then bring the product to a point of sale and attempt to purchase the product.
- (d) If/When the decoy is prompted to produce identification by the store employee, the decoy will produce their Michigan Identification card or Operator's License.



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Investigation and Prosecution*

---

1. In the event the store employee refuses the sale of alcohol, the decoy will leave the establishment and return to the accompanying detective/officer. The detective/officer will then travel to the next retail establishment and conduct the next compliance verification.
  - (a) In the event the store employee refuses the sale of alcohol and refuses to return the decoy's Michigan Identification card or Operator's License, the decoy will explain to the employee that they are working with the Traverse City Police Department as part of a compliance check. If the employee continues to refuse the return of the property, the decoy will summon their accompanying detective/officer via hand signals or calling/texting them directly. The accompanying detective/officer will then enter the establishment, explain the compliance check, and retrieve the decoy's property from the employee.
2. In the event the store employee grants the sale of alcohol by failing to ask for identification or not verifying the information on the decoy's identification, the decoy will exit the establishment and return to their accompanying detective/officer. The decoy will relinquish the purchased alcohol and receipt to the detective/officer.
  - (a) The accompanying detective/officer may then enter the establishment that granted the sale and make contact with the store employee that conducted the transaction.
    1. The detective/officer will explain the compliance check to the employee, and verify the sale.
    2. The accompanying detective/officer will obtain the store employee's information that completed the sale. The employee will be issued a citation for the sale of alcohol to a minor, applicable with MCL 436.1701, and informed of the process for addressing the citation.
  - (b) The accompanying detective/officer, at their discretion, may choose to delay contact with the establishment when the transaction is made as part of a special investigation or sting operation.
- (e) At the conclusion of the operation, the detective/officer will return to the Law Enforcement Center and process any relinquished alcohol as evidence. The detective/officer will then complete a report containing the location and information about how the alcohol was obtained. The report will subsequently be forwarded onto the appropriate prosecuting attorney, as well as the Michigan Liquor Control Commission.
- (f) The evidence will then be placed into temporary storage until it is processed into the property room by a property officer. The evidence will be held until the legal proceedings have concluded and a removal/destruction order is received.
- (g) Following the operation, the Traverse City Police Department will issue a press release documenting the compliance check, and listing all establishments at which a compliance check was conducted. The press release will document which establishments were found to be in compliance, and the establishments which failed the compliance check.

# Traverse City Police Department

TCPD Policy Manual

TCPD Policy Manual

## *Investigation and Prosecution*

---

### **600.11 MODIFICATION OF CHARGES FILED**

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Division Commander or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

## Sexual Assault Investigations

### 601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

#### 601.1.1 DEFINITIONS

Definition related to this policy include:

**Sexual assault** - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in MCL 750.520b through MCL 750.520e and MCL 750.520g.

### 601.2 POLICY

It is the policy of the Traverse City Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

### 601.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.
- (f) Collaborate with members from other disciplines that have specialized training regarding sexual assaults or victim advocacy.
- (g) Inform the victim if the suspect has voluntarily submitted to a polygraph examination or other lie detector test and the test indicated that the person may not have committed the crime (MCL 776.21).

### 601.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Sexual Assault Investigations*

---

##### **601.5 RELEASING INFORMATION TO THE PUBLIC**

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Detective Bureau supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

##### **601.6 TRAINING**

Subject to available resources, periodic training should be provided to:

- (a) Members who are first responders. Training should include:
  1. Initial response to sexual assaults.
  2. Legal issues.
  3. Victim advocacy.
  4. Victim's response to trauma.
- (b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
  1. Interviewing sexual assault victims.
  2. Medical and legal aspects of sexual assault investigations.
  3. Serial crimes investigations.
  4. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
  5. Techniques for communicating with victims to minimize trauma.
  6. Trauma informed (neurobiology of trauma) training.

##### **601.7 VICTIM INTERVIEWS**

The primary considerations in sexual assault investigations, which begin with the initial call to Central Dispatch, should be the health and safety of the victim, the preservation of evidence and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded should be included in a report.

Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; MCL 776.21).

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Sexual Assault Investigations*

---

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

#### **601.8 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE**

Whenever possible, a qualified investigator, crime scene technician or SANE nurse should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

##### **601.8.1 COLLECTION AND TESTING REQUIREMENTS**

Members investigating sexual assaults or handling related evidence are required to do the following (MCL 752.934):

- (a) Take possession of sexual assault kit evidence collected at a health care facility within 14 days after receiving notice of the kit evidence as set forth in MCL 752.934.
- (b) Notify a law enforcement agency with jurisdiction of alleged offense within 14 days after receiving a sexual assault kit related to that agency's case from a health care facility.
- (c) Submit sexual assault kit evidence to the appropriate laboratory within 14 days of its receipt.

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Section Policy.

##### **601.8.2 DNA TEST RESULTS**

A qualified investigator should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance policy.

Members investigating sexual assaults cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Sexual Assault Investigations*

---

##### **601.9 DISPOSITION OF CASES**

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Detective Bureau supervisor.

Classification of a sexual assault case as unfounded requires the Detective Bureau supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

##### **601.10 CASE REVIEW**

The Detective Bureau supervisor should ensure cases are reviewed on a periodic basis, at least annually. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.

## Asset Forfeiture

### 602.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

#### 602.1.1 DEFINITIONS

Definitions related to this policy include:

**Fiscal agent** - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Traverse City Police Department seizes property for forfeiture or when the Traverse City Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

**Forfeiture** - The process by which legal ownership of an asset is transferred to a government or other authority.

**Forfeiture reviewer** - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and acting as the liaison between the Department and the forfeiture counsel.

**Property subject to forfeiture** - Property that may be subject to forfeiture in certain cases includes:

- (a) A motor vehicle, aircraft or boat used to sell a controlled substance that is a felony to possess (MCL 333.7521).
- (b) Anything of value that is furnished or intended to be furnished in exchange for a controlled substance in violation of Article 7 of the Public Health Code or that is used or intended to be used to facilitate any violation of Article 7 of the Public Health Code.
- (c) Personal or real property that has been used to commit a felony violation of the Identity Theft Protection Act or a motor vehicle, aircraft or boat used to transport such property (MCL 445.79).
- (d) Property that is the proceeds of a crime, the substituted proceeds of a crime or an instrumentality of a crime (MCL 600.4702).

**Seizure** - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

### 602.2 POLICY

The Traverse City Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential of revenue shall not be allowed to jeopardize the effective investigation and prosecution of criminal offenses, officer safety, the integrity of ongoing investigations or any person's due process rights.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Asset Forfeiture*

---

It is the policy of the Traverse City Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeitures.

#### **602.3 ASSET SEIZURE**

Property may be seized for forfeiture as provided in this policy.

##### **602.3.1 PROPERTY SUBJECT TO SEIZURE**

The following property may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

- (a) Property subject to seizure based on a court order, search warrant or administrative warrant.
- (b) Property subject to forfeiture that can be lawfully seized subsequent to an arrest.
- (c) Property that can be legally accessed and there is probable cause to believe it was used or intended to be used to violate a felony controlled substance law in Article 7 of the Public Health Code (MCL 333.7522).
- (d) Property that can be legally accessed and there is probable cause to believe it is the proceeds from a felony violation of the Identity Theft Protection Act or was used or is intended to be used to violate the Identity Theft Protection Act (MCL 445.79a).

Whenever practicable, obtaining a search warrant or court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

##### **602.3.2 PROPERTY NOT SUBJECT TO SEIZURE**

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds
- (b) Conveyances or other property when there is reason to suspect the owner was not a knowing or consenting party to an illegal act ("innocent owner") (MCL 333.7521; MCL 445.79; MCL 600.4702).

#### **602.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS**

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

- (a) Complete the applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Asset Forfeiture*

---

- (b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
- (c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere; the whereabouts of the property is unknown; it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

#### **602.5 MAINTAINING SEIZED PROPERTY**

The Property and Evidence Section supervisor is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is checked to determine whether the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for forfeiture is not used unless the forfeiture action has been completed.
- (e) Forfeitable property is retained until such time as its use as evidence is no longer required.

#### **602.6 FORFEITURE REVIEWER**

The Chief of Police will appoint a forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a course approved by the Department on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

- (a) Remaining familiar with forfeiture laws, particularly those related to controlled substances (MCL 333.7521 et seq.), the Identity Theft Protection Act (MCL 445.79), proceeds of a crime (MCL 600.4702 et seq.) and the forfeiture policies of the forfeiture counsel.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Asset Forfeiture*

---

- (b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.
- (c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.
- (d) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The forfeiture reviewer should contact federal authorities when appropriate.
- (e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:
  - 1. Names and contact information for all relevant persons and law enforcement officers involved.
  - 2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
  - 3. A space for the signature of the person from whom cash or property is being seized.
  - 4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure, and a detailed description of the items seized.
- (g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs), or Departmental Directives. The training should cover this policy and address any relevant statutory changes and court decisions.
- (h) Reviewing each asset forfeiture case to ensure that:
  - 1. Written documentation of the seizure and the items seized is in the case file.
  - 2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner (MCL 333.7523; MCL 445.79b).
  - 3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property (MCL 333.7523; MCL 445.79b).
  - 4. Property is promptly released to those entitled to its return.
    - (a) Seized property should be returned to the owner within the time frames set under MCL 333.7523a when applicable.
  - 5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Asset Forfeiture*

---

6. Any cash received is deposited with the fiscal agent.
  - (a) Money shall be placed in an interest-bearing account (MCL 333.7523; MCL 445.79b).
7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
8. Current minimum forfeiture thresholds are communicated appropriately to officers.
9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.
  - (i) Ensuring that a written plan is available that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement personnel and attorneys who may assist in these matters is available.
  - (j) Ensuring that the process of selling or adding forfeited property to department inventory is in accordance with all applicable laws and consistent with the use and disposition of similar property.
  - (k) Upon completion of any forfeiture process, ensuring that no property is retained by the Traverse City Police Department unless the Chief of Police authorizes in writing the retention of the property for official use.
  - (l) Preparing and forwarding a report on forfeiture proceedings to the Michigan State Police pursuant to the Uniform Forfeiture Reporting Act (MCL 28.112 et seq.; MCL 445.79d; MCL 600.4710; MCL 333.7524b).

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives.

#### **602.7 DISPOSITION OF FORFEITED PROPERTY**

No member of this department may use property that has been seized for forfeiture until the forfeiture action has been completed and the Chief of Police has given written authorization to retain the property for official use. No department member involved in the decision to seize property should be involved in any decision regarding the disposition of the property.

Forfeited funds received shall be used only for law enforcement purposes and shall only be a supplement to the department's budget. Forfeited funds shall not be used as a replacement for funds otherwise budgeted for law enforcement purposes (MCL 333.7524; MCL 445.79c).

#### **602.8 ANNUAL REPORT**

The Investigative Services Division Commander in conjunction Fiscal Agent should complete an annual report to the Chief of Police concerning the status of Asset Forfeitures.

# Traverse City Police Department

TCPD Policy Manual

TCPD Policy Manual

## *Asset Forfeiture*

---

### **602.9 UNIFORM FORFEITURE REPORTING ACT**

The Investigative Services Division Commander shall ensure that before February 1 of each year, a report is submitted to the department of state police summarizing the Department's activities for the preceding calendar year regarding the forfeiture of property (MCL 28.111-28.117).

# Confidential Informants

## 603.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

### 603.1.1 DEFINITIONS

Definitions related to this policy include:

**Sources of Information (SOI)** - Persons or organizations not under the direction of a specific police officer. A source of information furnishes information without compensation and will not take an active part in an investigation. When a source of information seeks compensation or becomes an active part of an investigation their status changes to confidential informant. SOIs do not require registration.

**Confidential Informants** - Persons who covertly interact with other individuals or suspects at the direction or request of, or by agreement with, the Traverse City Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Traverse City Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

**Inactive Confidential Informants** - Confidential informants not debriefed within a year, or declared inactive by the control officer.

**Debriefing** - Initial and continued questioning of confidential informants. Intelligence gathering on backgrounds, motives, limitations, and other information they have on all types of criminal activity.

**Compensation** - Money or judicial/prosecutorial considerations.

**Investigating Control Officer (ICO)** - Officer controlling the confidential informant; i.e. the Crime Prevention Officer or Detective Sergeant.

**Investigating Secondary Officer (ISO)** - Serves as contact for the confidential informant when the control officer is unavailable and acts as a witness for the control officer.

## 603.2 POLICY

The Traverse City Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

## 603.3 USE OF INFORMANTS

The only Department members who may initiate the use of an informant are Detectives assigned to the Detective Bureau or the Crime Prevention Officer.

### 603.3.1 INITIAL APPROVAL

Before using an individual as an informant, the Detectives or the Crime Prevention Officer must receive approval from the Detective Sergeant or the Investigative Services Captain. The member

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Confidential Informants*

---

shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

#### **603.3.2 JUVENILE INFORMANTS**

The use of informants under the age of 18 is prohibited except in cases that receive the written consent of each of the following:

- (a) The juvenile's parents or legal guardians
- (b) The juvenile's attorney, if any
- (c) The court in which the juvenile's case is being handled, if applicable
- (d) The Chief of Police or the authorized designee
- (e) Approval by the Prosecuting Attorney

#### **603.3.3 INFORMANT AGREEMENTS**

All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

[Procedure Manual: 603.2 INFORMANT AGREEMENT](#)

#### **603.4 INFORMANT INTEGRITY**

To maintain the integrity of the informant process, the following must be adhered to:

- (a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Division Commanders, Detective Bureau or their authorized designees.
  - 1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
- (b) Criminal activity by informants shall not be condoned.
- (c) Informants shall be told they are not acting as police officers, employees or agents of the Traverse City Police Department, and that they shall not represent themselves as such.
- (d) The relationship between department members and informants shall always be ethical and professional.
  - 1. Members shall not become intimately involved with an informant.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Confidential Informants*

---

2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Investigative Services Captain or the Detective Sergeant.
  3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
- (e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer.
- (f) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

#### **603.4.1 UNSUITABLE INFORMANTS**

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable shall notify the Detective Sergeant or Investigative Services Captain, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

- (a) The informant has provided untruthful or unreliable information in the past.
- (b) The informant behaves in a way that may endanger the safety of an officer.
- (c) The informant reveals to suspects the identity of an officer or the existence of an investigation.
- (d) The informant appears to be using his/her affiliation with this department to further criminal objectives.
- (e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- (f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.
- (g) The informant commits criminal acts subsequent to entering into an informant agreement.

#### **603.5 INFORMANT FILES**

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Confidential Informants*

---

Informant files shall be maintained in a secure area within the Detective Bureau. The Investigative Services Captain or Detective Sergeant shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, Division Commanders or their authorized designees.

The Investigative Services Division Commander should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Crime Prevention Officer is replaced, the files will be audited before the new officer takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

#### **603.5.1 FILE SYSTEM PROCEDURE**

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

- (a) Code name and/or Confidential Informant number
- (b) Name and aliases
- (c) Date of birth
  - 1. If a juvenile, parental consent
- (d) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features
- (e) Photograph
- (f) Current home address and telephone numbers
- (g) Current employers, positions, addresses and telephone numbers
- (h) Vehicles owned and registration information
- (i) Places frequented
- (j) Briefs of information provided by the informant and his/her subsequent reliability
  - 1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.
- (k) Name of the officer initiating use of the informant
- (l) Signed informant agreement
- (m) Criminal history record, if any
- (n) Update on active or inactive status of informant

#### **603.6 INFORMANT PAYMENTS**

The Traverse City Police Department does not authorize nor maintain a confidential informant fund. Confidential informants shall not be promised payment by any member of the Traverse



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Confidential Informants*

---

City Police Department. Documentation of the confidential informant's contributions or assistance may be noted and forwarded to the appropriate prosecuting attorney's office, however no form of leniency or immunity shall be promised to any informant as compensation for their contribution.

## Eyewitness Identification

### 604.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

#### 604.1.1 DEFINITIONS

Definitions related to this policy include:

**Eyewitness identification process** - Any show-up/field identification, live lineup or photographic identification.

**Show-up/field identification** - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

**Live lineup** - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

**Photographic lineup/photo array** - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

### 604.2 POLICY

The Traverse City Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

### 604.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

### 604.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Detective Bureau supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide:

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Eyewitness Identification*

---

- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
- (g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
- (j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

The process and related forms should be reviewed at least annually and modified when necessary.

[Procedure Manual: 604 Eyewitness Identification](#)

#### **604.5 EYEWITNESS IDENTIFICATION**

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

#### **604.6 PHOTOGRAPHIC AND LIVE LINEUP CONSIDERATIONS**

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness. Techniques to achieve this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Eyewitness Identification*

---

stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

#### 604.6.1 ADMINISTRATION

##### (a) Photographic Lineup/Photo Array Administrators

1. Any members involved in the case/investigation should not participate in the administration of the photographic lineup.
2. Administrators are selected by the case investigator or the investigator's supervisor.

##### (a) The administrator should not:

1. Be involved in the creation of the lineup
2. Have any knowledge of the investigation
3. Have any knowledge as to which photograph depicts the suspect in the investigation
4. Have already participated in administering a lineup in the same case.

##### (b) Photographic Lineup/Photo Array Administration for Another Law Enforcement Agency

1. If requested by another law enforcement agency, TCPD investigators may conduct a photographic lineup for that agency once the request is approved by his/her TCPD supervisor.
2. TCPD investigators performing photographic lineups for another law enforcement agency should follow the guidelines and instructions provided by that agency to conduct the photographic lineup unless they believe the lineup violates due process.

##### (a) Due process requires that identifications can be conducted in a fair, objective, and non-suggestive manner.

3. TCPD investigators performing photographic lineups for another law enforcement agency should advise his/her supervisor of any concerns raised by the photographs used or by the guidelines to be followed prior to the commencement of the lineup.
4. If no guidelines are provided by the requesting investigator or agency, the provisions of this Department should be followed.

##### (c) Live/Physical Lineups

1. A live/physical lineup should only be conducted after consultation with the investigating officer's supervisor and the Grand Traverse County Prosecuting

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Eyewitness Identification*

---

Attorney's Office. When it is determined that a live/physical lineup will be necessary, the investigating officer should contact the Grand Traverse County Prosecuting Attorney's Office and request a lineup be scheduled.

2. Officers should request the presence of an Assistant Prosecuting Attorney at the time a lineup is held; however, his/her presence is not required for the lineup. The investigating officer should follow the detailed instructions provided by the assigned Assistant Prosecuting Attorney in conducting the physical lineup and documenting the same.
3. As a general guideline, the person who conducts the physical lineup should have no knowledge of the investigation, and persons with the same general physical characteristics should be used as "fillers."

#### **604.7 SHOWUP/FIELD IDENTIFICATION CONSIDERATIONS**

Showups, also known as field identifications or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identification. A field elimination showup or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a showup/field identification, the member should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a showup/field identification process by considering:
  1. The length of time the witness observed the suspect.
  2. The distance between the witness and the suspect.
  3. Whether the witness could view the suspect's face.
  4. The quality of the lighting when the suspect was observed by the witness.
  5. Whether there were distracting noises or activity during the observation.
  6. Any other circumstances affecting the witness's opportunity to observe the suspect.
  7. The length of time that has elapsed since the witness observed the suspect.
- (c) If safe and practicable, the person who is the subject of the showup should not be handcuffed or in a patrol vehicle.
- (d) When feasible, members should bring the witness to the location of the subject of the showup, rather than bring the subject of the showup to the witness.
- (e) The person who is the subject of the showup should not be shown to the same witness more than once.
- (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the showup one at a time.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Eyewitness Identification*

---

- (g) The person who is the subject of the showup should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
- (h) If a witness positively identifies a subject of a showup as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow-up, if necessary.

#### **604.8 DOCUMENTATION**

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

If a photo lineup is utilized, a copy of the photo lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

## Brady Information

### 605.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

#### 605.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** - Information known or possessed by the Traverse City Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

### 605.2 POLICY

The Traverse City Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Traverse City Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

### 605.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor’s office.

If information is believed to be privileged or confidential (e.g., informant or attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the department case file.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Brady Information*

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#### **605.4 BRADY PROCESS**

The Chief of Police has designated the Investigative Services Division Commander to coordinate requests for *Brady* information. This person shall be directly responsible to the Office of the Chief of Police or the authorized designee.

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

- (a) Working with the appropriate prosecutors' offices and the City Attorney's office to establish systems and processes to determine what constitutes *Brady* information and the method for notification and disclosure.
- (b) Maintaining a current list of members who have *Brady* information in their files or backgrounds.
  1. Updating this list whenever potential *Brady* information concerning any department member becomes known to the Department or is placed into a personnel or internal affairs file.

#### **605.5 DISCLOSURE OF REQUESTED INFORMATION**

If *Brady* information is located, the following procedure shall apply:

- (a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and department member whose file is related to the motion shall be notified of the potential presence of *Brady* information.
- (b) The prosecuting attorney or City Attorney should be requested to file a motion in order to initiate an in-camera review by the court.
  1. If no motion is filed, the Custodian of Records should work with the appropriate counsel to determine whether the records should be disclosed to the prosecutor.
- (c) The Custodian of Records shall accompany all relevant personnel files during any in-camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.
- (d) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.
  1. Prior to the release of any information pursuant to this process, a protective order should be requested from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.
- (e) If a court has determined that relevant *Brady* information is contained in a member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

#### **605.6 INVESTIGATING BRADY ISSUES**

If the Department receives information from any source that a member may have issues of credibility or dishonesty or has been engaged in an act of moral turpitude or criminal conduct,



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Brady Information*

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the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

#### **605.7 SUBPOENA PROCESSING**

The individual processing subpoenas (or the supervisor of the subpoenaed member) shall check the subpoenaed member's name against the current list of those who are known to have *Brady* information in their files or background, and shall alert the coordinator if a person on the list is subpoenaed.

#### **605.8 TRAINING**

Department personnel should receive periodic training on the requirements of this policy.

#### **605.9 ANNUAL REPORT**

The Investigative Services Division Commander should complete an annual report to the Chief of Police concerning the status of Brady Information.

## Unmanned Aerial System

### 606.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

#### 606.1.1 DEFINITIONS

Definitions related to this policy include:

**Unmanned aerial system (UAS)** - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)) and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

### 606.2 POLICY

A UAS may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

### 606.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to Federal Aviation Administration (FAA) altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

### 606.4 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require written authorization of the Chief of Police or the authorized designee, depending on the type of mission.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Unmanned Aerial System*

---

- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing an operational protocol governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.

#### **606.5 USE OF UAS**

- (a) The Chief of Police or departmentally authorized operators who have completed the required training and are licensed UAS pilots are the only department members that will be allowed to approve or deny requests for UAS deployment based on the type of requested mission.
- (b) In order to operate the UAS, the authorized operators (pilots) must successfully complete and maintain required FAA licensing or be under the direct supervision of a licensed operator.
- (c) Factor the severity of the mission based on the following criteria:
  1. Location of the flight (within restricted zones).
  2. Time of day for requested flight.
  3. Weather at the time of the flight (see the pre-flight checklist).
    - (a) Wind  $\leq$  25 mph
    - (b) Visibility  $\geq$  3 miles
    - (c) Rain  $\leq$  1/2 inch per hour

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Unmanned Aerial System*

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- (d) Ceiling > 500 feet from clouds vertically; > 2000 feet from clouds horizontally.
4. Night flight compliance at the time of the flight, >=2 pilots and at least one night trained observer to be present.
5. If the flight is in a restricted "O" zone, can special government interest authorization be sought based on the type of mission and emergent need for deployment.
- (d) Use of vision enhancement technology (e.g., thermal and other imaging equipment is not generally available to the public) is permissible in viewing areas when any of the following exist:
  1. There is no protected privacy interest.
  2. Use is in compliance with a search warrant or court order.
  3. There are articulable and reasonable exigent circumstances compelling its use.
  4. In all other instances, legal counsel should be consulted.
- (e) UAS flights shall be conducted in compliance with current FAA rules unless specific FAA waivers have been granted authorizing the deviating operation from standard operation.
- (f) Use of UAS is only authorized for official departmental investigation, training and maintenance.
- (g) All use of the UAS shall be reported to the Program Coordinator by the authorized operator (pilot).

If a clear "go/no go" decision cannot be made at the time of the UAS deployment request, the on call UAS pilot can contact the UAS Program Coordinator for evaluation of the request.

#### **606.6 PROHIBITED USE**

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

#### **606.7 TRAINING**

Operators shall at minimum, receive, participate in and successfully complete the following training:

- Initial FAA licensing

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Unmanned Aerial System*

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- Bi-annual FAA licensing renewal
- Quarterly departmental team training

Successful completion of FAA training is determined by a passing score and receipt of FAA licensing. Successful Departmental team training will be determined by the Program Coordinator. Authorized operators may also operate the UAS for training purposes as directed by the Program Coordinator. Prior authorization by the Program Coordinator is required.

#### **606.8 RETENTION OF UAS DATA**

Data collected by the UAS shall be retained by the Program Coordinator as provided in the established records retention schedule.

#### **606.9 ANNUAL REPORT**

The Investigative Services Division Commander in conjunction with the UAS Coordinator should complete an annual report to the Chief of Police concerning the progress and status of UAS Program.

## Warrant Service

### 607.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

### 607.2 POLICY

It is the policy of the Traverse City Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

### 607.3 OPERATIONS DIRECTOR

The operations director (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The operations director will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

### 607.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

### 607.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit it to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the operations director. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Warrant Service*

---

##### **607.6 WARRANT PREPARATION**

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

- (a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime or no-knock warrant execution.
- (b) A clear explanation of the affiant's training, experience and relevant education.
- (c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
- (d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
- (e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
- (f) A specific description of the location to be searched, including photographs of the location, if reasonably available.
- (g) A sufficient description of the items to be seized.
- (h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the *Brady* Information Policy).

##### **607.7 HIGH-RISK WARRANT SERVICE**

The operations director or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

- (a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.
- (b) The warrant service is audio- and video-recorded when practicable and reasonable to do so.
- (c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.
- (d) Reasonable efforts are made during the search to maintain or restore the condition of the location.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Warrant Service*

---

- (e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- (f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
- (g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- (h) A copy of the search warrant is left at the location.
- (i) The condition of the property is documented with video recording or photographs after the search.

#### **607.8 KNOCK AND ANNOUNCE RULE - NO KNOCK SEARCH WARRANTS**

Officers executing a search warrant generally must not immediately force his/her way into a residence. Instead, the Officer must first:

- (a) Knock and announce their presence before forcing the door open.
  - 1. Identify him/herself as a law enforcement officer.
    - (a) The announcement must be loud and clear enough for a reasonable person to hear.
    - (b) If feasible, an officer should be positioned on the opposite side of the structure or area to be searched as a witness to the announcement.
  - 2. Identify the intent of the encounter (search warrant).
  - 3. Wait a reasonable amount of time for the occupants to respond.
    - (a) The size and structure of the building should be considered when determining this.
- (b) Officers may seek to obtain a "no knock" search warrant if doing so would cause harm or danger to the officers.
  - 1. This includes situations in which officers suspect that announcing their presence would be dangerous, futile, or result in the destruction of evidence.
  - 2. The burden is on the officers to show exigent circumstances which precluded the knock and announce requirement. (MCL §780.657) It is advisable to include the exigent circumstances in the affidavit.
  - 3. Issuance of the warrant is at the discretion of reviewing judge or magistrate.
- (c) Search warrant and arrest situations may be rapidly evolving. The above requirements are not intended to restrict officers from taking legal action when they encounter a reasonable and articulable exception to the search warrant rule. Examples include:
  - 1. hot pursuit
  - 2. emergency situation
  - 3. exigency and probable cause



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Warrant Service*

---

##### **607.9 DETENTIONS DURING WARRANT SERVICE**

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

##### **607.10 ACTIONS AFTER WARRANT SERVICE**

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

##### **607.11 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS**

The operations director will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the operations director. The director should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the Traverse City Police Department are utilized appropriately. Any concerns regarding the requested use of Traverse City Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the operations director is unavailable, the Shift Commander should assume this role.

If officers intend to serve a warrant outside Traverse City Police Department jurisdiction, the operations director should provide reasonable advance notice to the applicable agency, request

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Warrant Service*

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assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the Traverse City Police Department when assisting outside agencies or serving a warrant outside Traverse City Police Department jurisdiction.

#### **607.12 MEDIA ACCESS**

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

#### **607.13 TRAINING**

The Training Manager should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

# Operations Planning and Deconfliction

## 608.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

### 608.1.1 DEFINITIONS

Definitions related to this policy include:

**High-risk operations** - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

## 608.2 POLICY

It is the policy of the Traverse City Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

## 608.3 OPERATIONS DIRECTOR

The Chief of Police has designated the Captain of the Patrol Services Division as the operations director.

The operations director will develop and maintain a threat assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The operations director will review threat assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The director will also have the responsibility for coordinating operations that are categorized as high risk.

## 608.4 THREAT ASSESSMENT

### 608.4.1 THREAT ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-threat operation shall complete a threat assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

The officer should gather available information that includes, but is not limited to:

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Operations Planning and Deconfliction*

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- (a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.
- (b) Maps of the location.
- (c) Diagrams of any property and the interior of any buildings that are involved.
- (d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).
- (e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
- (f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).
- (g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
- (h) Other available options that may minimize the threat to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

#### 608.4.2 THREAT ASSESSMENT REVIEW

Officers will present the threat assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the operations director.

The supervisor and operations director shall confer and determine the level of threat. Supervisors should take reasonable actions if there is a change in circumstances that elevates the threats associated with the operation.

#### 608.4.3 HIGH-RISK OPERATIONS

If the operations director, after consultation with the involved supervisor, determines that the operation is high risk, the operations director should:

- (a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:
  - 1. Emergency Response Team (ERT)
  - 2. Additional personnel
  - 3. Outside agency assistance
  - 4. Special equipment
  - 5. Medical personnel
  - 6. Persons trained in negotiation
  - 7. Additional surveillance

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Operations Planning and Deconfliction*

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8. Canines
  9. Property and Evidence Section or analytical personnel to assist with cataloguing seizures
  10. Forensic specialists
  11. Specialized mapping for larger or complex locations
- (b) Contact the appropriate department members or other agencies as warranted to begin preparation.
  - (c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.
  - (d) Coordinate the actual operation.

#### **608.5 DECONFLICTION**

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

#### **608.6 CONFIDENTIAL OPERATIONAL PLAN**

The operations director should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

- (a) Operation goals, objectives and strategies.
- (b) Operation location and people:
  - (a) The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
  - (b) The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces,

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Operations Planning and Deconfliction*

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- availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids
- (c) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)
  - (d) Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children
- (c) Information from the threat assessment form by attaching a completed copy in the operational plan.
- 1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.
- (d) Participants and their roles.
- (a) An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
  - (b) How all participants will be identified as law enforcement.
- (e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.
- (f) Identification of all communications channels and call-signs.
- (g) Use of force issues.
- (h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).
- (i) Plans for detaining people who are not under arrest.
- (j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Dependent Adult Safety and Animal Control policies.
- (k) Communications plan.
- (l) Responsibilities for writing, collecting, reviewing and approving reports.

#### **608.6.1 OPERATIONS PLAN RETENTION**

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained by the Operations Director in accordance with the established records retention schedule.

#### **608.7 OPERATIONS BRIEFING**

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Operations Planning and Deconfliction*

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- (a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.
- (b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.
- (c) The operations director shall ensure that all participants are visually identifiable as law enforcement officers.
  - 1. Exceptions may be made by the operations director for officers who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.
- (d) The briefing should include details of the communications plan.
  - 1. It is the responsibility of the operations director to ensure that Central Dispatch is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location.
  - 2. If the radio channel needs to be monitored by Central Dispatch, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.
  - 3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

#### **608.8 ERT PARTICIPATION**

If the operations director determines that ERT participation is appropriate, the director and the ERT supervisor shall work together to develop a written plan. The ERT supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the ERT supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

#### **608.9 MEDIA ACCESS**

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

#### **608.10 OPERATIONS DEBRIEFING**

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any ERT debriefing.

# Traverse City Police Department

TCPD Policy Manual

TCPD Policy Manual

## *Operations Planning and Deconfliction*

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### **608.11 TRAINING**

The Training Manager should ensure officers and ERT team members who participate in operations subject to this policy receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.



## **Chapter 7 - Equipment**

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## Department-Owned and Personal Property

### 700.1 PURPOSE AND SCOPE

This policy addresses the care of department-owned property and the role of the Department when personal property, the property of another person or department-owned property is damaged or lost.

### 700.2 POLICY

Members of the Traverse City Police Department shall properly care for department property assigned or entrusted to them. Department-owned property that becomes damaged shall be promptly replaced. Members' personal property that becomes damaged during the performance of assigned duties will be reimbursed in accordance with this policy.

### 700.3 DEPARTMENT-ISSUED PROPERTY

All property and equipment issued by the Department shall be documented in the appropriate property sheet or equipment log. Receipt of issued items shall be acknowledged by the receiving member's signature. Upon separation from the Department, all issued property and equipment shall be returned. Documentation of the return shall be acknowledged by the signature of a supervisor.

#### 700.3.1 CARE OF PROPERTY

Members shall be responsible for the safekeeping, serviceable condition, proper care, proper use and replacement of department property that has been assigned or entrusted to them.

Intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to, the cost of repair or replacement.

- (a) Members shall promptly report, through their chain of command, any loss, damage to, or unserviceable condition of any department-issued property or equipment.
  - 1. A supervisor receiving such a report shall conduct an investigation and direct a memo to the appropriate Division Commander, which shall include the result of the investigation and whether misconduct or negligence caused the loss, damage or unserviceable condition.
  - 2. A review by command staff should determine whether additional action is appropriate.
- (b) The use of damaged or unserviceable property should be discontinued as soon as practicable, and the item replaced with a comparable item as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or otherwise reasonable by circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Department-Owned and Personal Property*

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- (d) Department property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.
- (e) A supervisor's approval is required before any attempt to repair damaged or unserviceable property is made by a member.

#### 700.3.2 EQUIPMENT INSPECTIONS

All stored and assigned department law enforcement-related equipment shall be maintained in a state of operational readiness in order to be deployed in short notice. The Chief of Police should appoint a supervisor responsible for ensuring the maintenance and inspections of the equipment. Equipment includes but is not limited to:

- Firearms.
- Civil disturbance gear.
- Biohazard gear.
- Speed measuring devices.
- Automated license plate readers.
- Mobile Data Terminal.
- Mobile audio/video recording systems.

Law enforcement-related equipment inspections should occur annually to maintain certifications, operability, and accountability.

#### **700.4 PERSONAL PROPERTY**

Carrying and/or using personal property or equipment on-duty requires prior written approval by the Chief of Police or appropriate Division Commander. The member should submit a request that includes a description of the property and the reason and length of time it will be used. Personal property of the type routinely carried by persons who are not performing law enforcement duties, and that is not a weapon, is excluded from this requirement.

The Department will not replace or repair costly items (e.g., jewelry, expensive watches, exotic equipment) that are not reasonably required as part of work.

#### 700.4.1 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage to, or loss of, personal property must be made by departmental memorandum in the following manner:

- (a) The name, rank and badge number of the claimant.
- (b) The date of the claim.
- (c) A description of the damaged item to include a reasonable estimate of replacement cost.
- (d) The date, time, location and circumstances of the incident.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Department-Owned and Personal Property*

---

- (e) An explanation as to how the damage occurred to include the name of involved parties and witnesses.
- (f) Associated incident and/or case numbers if they exist.
- (g) This memorandum is submitted to the member's immediate supervisor.
- (h) The supervisor may require a case report.

The supervisor receiving a claim shall investigate and direct a memo to the appropriate Division Commander, which shall include the result of the investigation and whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

Upon review by command staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police, who will then forward the claim to the City department responsible for issuing payments.

#### **700.5 DAMAGE TO PROPERTY OF ANOTHER PERSON**

Anyone who intentionally or unintentionally damages or causes to be damaged the real or personal property of another person while performing any law enforcement function shall promptly report the damage through his/her chain of command.

The supervisor receiving such a report shall conduct an investigation and direct a memo to the appropriate Division Commander, which shall include the result of the investigation and whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

A review of the incident by command staff to determine whether misconduct or negligence was involved should be completed.

##### **700.5.1 DAMAGE BY PERSONNEL OF ANOTHER AGENCY**

Personnel from another agency may intentionally or unintentionally cause damage to the real or personal property of the City of Traverse City or of another person while performing their duties within the jurisdiction of this department. It shall be the responsibility of the department member present or the member responsible for the property to report the damage as follows:

- (a) A verbal report shall be made to the member's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the member goes off-duty or as otherwise directed by the supervisor.

The supervisor receiving such a report shall conduct an investigation and direct a memo to the appropriate Division Commander, which shall include the result of the investigation and whether misconduct or negligence caused the loss, damage or unserviceable condition.

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## Personal Communication Devices

### 701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

### 701.2 POLICY

The Traverse City Police Department allows members to utilize department-issued PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

### 701.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Department and shall have no expectation of privacy concerning the location of the device should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance.)

### 701.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue a PCD for the member's use to facilitate on-duty performance. Department-issued PCDs may not be used for personal business either on- or off-duty unless authorized by the Chief of Police or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Personal Communication Devices*

---

Unless a member is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

#### [Procedure Manual: 701.2 OFF DUTY AUTHORIZATION](#)

#### **701.5 PERSONALLY OWNED PCD**

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Members have a reduced expectation of privacy when using a personally owned PCD in the workplace, have no expectation of privacy with regard to any department business-related communication, and use in that manner could result in the messages transmitted or received being discoverable.
- (e) The device shall not be utilized to record or disclose any department business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment or appointment with the Department, without the express authorization of the Chief of Police or the authorized designee.
- (f) Use of a personally owned PCD while at work or for work-related business constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.
- (g) All work-related documents, e-mails, photographs, recordings or other public records created or received on a member's personally owned PCD should be transferred to the Traverse City Police Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.
- (h) It is prohibited to access, process, transmit, and/or store CJI with a personally owned PCD.

Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the member has prior express authorization from his/her supervisor, the member may engage

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Personal Communication Devices*

---

in department business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

#### **701.6 USE OF PCD**

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.
- (b) All PCDs in the workplace shall be set to silent or vibrate mode.
- (c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (d) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.
- (e) Members are prohibited from taking pictures, audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.
- (f) Members will not access social networking sites for any purpose that is not official department business.
- (g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

#### **701.7 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Personal Communication Devices*

---

1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

#### **701.8 OFFICIAL USE**

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

#### **701.9 USE WHILE DRIVING**

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.



## Vehicle Maintenance

### 702.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that department vehicles are appropriately maintained.

### 702.2 POLICY

The Traverse City Police Department will service department vehicles to ensure they remain operational and maintain their appearance, as resources allow.

### 702.3 GENERAL DUTIES

Members are responsible for assisting in maintaining department vehicles so that they are properly equipped, properly maintained and properly refueled and present a clean appearance.

### 702.4 DEFECTIVE VEHICLES

When a vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service. The member who becomes aware of the defective condition shall immediately notify their Supervisor who shall insure that the City Garage is contacted to arrange for repair.

#### 702.4.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

#### 702.4.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection by the City Garage as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

#### 702.4.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department prior to the vehicle being released for maintenance, service, or repair.

### 702.5 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles.

#### 702.5.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is in the vehicle:

- 1 roll of crime scene/barricade tape
- 1 bloodborne pathogen kit
- 1 first aid kit

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Vehicle Maintenance*

---

- 1 spit hood
- 1 fire extinguisher
- 6 road flares
- 2 blankets
- 1 large marker
- 1 screwdriver
- 1 pliers
- 1 jumper cables
- 5 paper bags
- 1 temporary registration pad
- 1 hazardous waste bag
- 1 sharps container
- 1 hazardous material emergency response book
- 1 high-visibility vest
- spare tire, jack and lug wrench
- 1 100 foot tape (Sgt)
- 1 Yellow Pencil (Sgt)

#### 702.5.2 UNMARKED VEHICLES

Members driving unmarked department vehicles shall ensure that the following equipment, at a minimum, is in the vehicle.

- 1 roll of crime scene/barricade tape
- 1 roll crime scene inner perimeter tape (red)
- 1 bloodborne pathogen kit
- 1 first aid kit
- 1 fire extinguisher
- 6 road flares
- 1 blanket
- 1 jumper cables
- 5 paper bags
- 1 hazardous waste bag
- 1 sharps container

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Vehicle Maintenance*

---

- 1 hazardous material emergency response book
- 1 high-visibility vest
- spare tire, jack and lug wrench

#### **702.5.3 FIRE EXTINGUISHERS**

Fire extinguishers must be dry chemical type extinguishers containing at least 4 pounds of extinguishing agent, which are listed by and bear the label of a nationally recognized testing laboratory and which are inspected at least annually by the local fire department (MCL 29.351).

#### **702.6 VEHICLE REFUELING**

Absent emergency conditions or supervisor approval, patrol vehicles shall not be placed into service with less than one-quarter tank of fuel. Patrol vehicles should not be retired at the end of shift with less than one-quarter tank of fuel. Vehicles shall only be refueled at the Department of Public Works (DPW) gas pumps unless otherwise approved by a supervisor.

#### **702.7 WASHING OF VEHICLES**

Vehicles shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to maintain the professional appearance of the Department.

Patrol officers shall obtain clearance from the dispatcher before going to the DPW car wash. Only one patrol vehicle should be at the car wash at a time unless otherwise approved by a supervisor.

Members using a vehicle shall remove any trash or debris at the end of their shifts. Confidential material should be placed in a designated receptacle that has been provided for shredding this material.

## Vehicle Use

### 703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Traverse City to provide assigned take-home vehicles.

### 703.2 POLICY

The Traverse City Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

### 703.3 USE OF VEHICLES

#### 703.3.1 SHIFT ASSIGNED VEHICLES

The Shift Commander shall ensure a copy of the shift assignment roster, indicating member assignments and vehicle numbers, is completed for each shift and retained in accordance with the established records retention schedule. If a member exchanges vehicles during his/her shift, the new vehicle number shall be documented on the roster.

#### 703.3.2 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the Shift Commander. A notation will be made on the shift assignment roster indicating the member's name and vehicle number.

This subsection does not apply to those who are assigned to transport vehicles to and from the maintenance yard or car wash.

#### 703.3.3 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

Members utilizing vehicles for arrestee, detainee, and prisoner transportation (patrol vehicles) must be searched at the beginning of each shift. The search shall be documented on a patrol vehicle pre-check entry in the guardian tracking system.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Vehicle Use*

---

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported. The search shall be documented in the associated police report.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

#### 703.3.4 VEHICLES USED FOR TRANSPORT

Patrol vehicles routinely used to transport arrestees/detainees shall have rear compartments modified which, at a minimum, includes:

- (a) A safety barrier (partition).
- (b) Inside rear door locks and window controls that have been removed or disabled.
- (c) Inside rear door handles that are inoperable or do not function.

#### 703.3.5 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

#### 703.3.6 MDT

Members assigned to vehicles equipped with a Mobile Data Terminal (MDT) shall log onto the MDT with the required information when going on-duty. If the vehicle is not equipped with a working MDT, the member shall notify Central Dispatch. Use of the MDT is governed by the Mobile Data Terminal Policy.

#### 703.3.7 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by other than supervisors will require Division Commander approval.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Vehicle Use*

---

All data captured by the system shall be retained in accordance with the established records retention schedule.

#### 703.3.8 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

#### 703.3.9 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Alongs Policy.

#### 703.3.10 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

#### 703.3.11 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

#### 703.3.12 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

#### 703.3.13 CIVILIAN MEMBER USE

Civilian members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Civilian members shall prominently display the "out of service" placards or light bar covers at all times. Civilian members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

#### 703.3.14 VEHICLES USED FOR TRANSPORT

Patrol and other vehicles routinely used to transport arrestees, detainees, and/or prisoners alone in the rear shall have rear compartments modified to minimize opportunities for exit without the aid of the transporting officer. Modifications that should be considered include:

- A safety barrier (i.e., partition).

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Vehicle Use*

---

- Disabled inside rear door locks and window controls.
- Inoperable inside rear door handles.

#### **703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES**

Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

##### **703.4.1 ON-DUTY USE**

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

##### **703.4.2 UNSCHEDULED TAKE-HOME USE**

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

- (a) The circumstances are unplanned and were created by the needs of the department.
- (b) Other reasonable transportation options are not available.
- (c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Traverse City City limits.
- (d) Off-street parking will be available at the member's residence.
- (e) The vehicle will be locked when not attended.
- (f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

##### **703.4.3 ASSIGNED VEHICLES**

Assignment of take-home vehicles shall be based on the location of the member's residence; the nature of the member's duties, job description and essential functions; and the member's employment or appointment status. Residence in the City of Traverse City is a prime consideration for assignment of a take-home vehicle. Members who reside outside the City of Traverse City may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Vehicle Use*

---

Department members shall sign a take-home vehicle agreement that outlines certain standards, including, but not limited to, how the vehicle shall be used, where it shall be parked when the member is not on-duty, vehicle maintenance responsibilities and member enforcement actions.

Members are cautioned that under federal and local tax rules, personal use of a City vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police or a Division Commander gives authorization.
- (b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:
  - 1. In circumstances when a member has been placed on call by the Chief of Police or Division Commanders and there is a high probability that the member will be called back to duty.
  - 2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.
  - 3. When the member has received permission from the Chief of Police or Division Commanders.
  - 4. When the vehicle is being used by the Chief of Police, Division Commanders or members who are in on-call administrative positions.
  - 5. When the vehicle is being used by on-call investigators.
- (d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
- (e) The two-way communications radio, MDT and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- (f) Unattended vehicles are to be locked and secured at all times.
  - 1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
  - 2. All weapons shall be secured while the vehicle is unattended.
  - 3. All department identification, portable radios and equipment should be secured.



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Vehicle Use*

---

- (g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).
- (h) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department, when a member will be away (e.g., on vacation) for periods exceeding one week.
  - 1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
  - 2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.
- (i) The member is responsible for the care and maintenance of the vehicle.

#### 703.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Traverse City Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving take-home vehicles shall be armed and appropriately attired and shall carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

#### 703.4.5 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

- (a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- (b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.
- (c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.
- (d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Vehicle Use*

---

- (e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.
- (f) All weapons shall be removed from any vehicle left for maintenance.
- (g) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

#### **703.5 UNMARKED VEHICLES**

Unmarked vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved by a supervisor. Any member operating an unmarked vehicle shall record vehicle usage on the sign-out log maintained in the division for that purpose. Any use of unmarked vehicles by those who are not assigned to the division to which the vehicle is assigned shall also be recorded with the Shift Commander on the shift assignment roster.

#### **703.6 CRIME SCENE UNIT VEHICLE**

The department has designated a vehicle dedicated in part for use by the Crime Scene Unit during investigations. This vehicle is managed by the Crime Scene Unit coordinator.

- (a) Each Crime Scene Investigator (CSI) is issued a set of keys for the vehicle and have standing clearance to use it at their discretion for CSI call-outs and activity.
  - 1. Prior to deploying the vehicle on a call-out the on duty shift commander shall be notified by the CSI (if not already aware).
- (b) The Crime Scene Unit coordinator is in charge of stocking and organizing the CSI van.
  - 1. Each CSI is responsible for working with the coordinator on KEEPING it organized and stocked.
  - 2. Only CSI team members are authorized to use CSI equipment and supplies that are stored in the vehicle.
- (c) It is expected that all equipment be secured and stored.
  - 1. All garbage will be removed at the conclusion of every detail.
- (d) With prior permission of the appropriate Division Commander the vehicle may be used by other departmental personnel for other departmental functions.
- (e) All department personnel using the vehicle are bound by these guidelines.

#### **703.7 DAMAGE, ABUSE AND MISUSE**

When any department vehicle is involved in a traffic accident or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic accident report shall be filed with the agency having jurisdiction (see the Traffic Accidents Policy).

Damage to any department vehicle that was not caused by a traffic accident shall be immediately reported during the shift in which the damage was discovered and documented in memorandum

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Vehicle Use*

---

format, which shall be forwarded to the Shift Commander. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

**Departmental vehicles, unless specifically equipped, shall not be used for pulling, pushing, towing, or other road services to other vehicles.**

#### **703.8 ATTIRE AND APPEARANCE**

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

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## Cash Handling, Security and Management

### 704.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence Section.

### 704.2 POLICY

It is the policy of the Traverse City Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure public trust.

### 704.3 SPECIAL INVESTIGATION FUNDS

All requests for special investigation funds will be presented, in writing, by the Division Commander to the Chief of Police for authorization. Upon authorization, the request will be forwarded to the City Treasurer for disbursement. The department member making the original request, or their designee, will serve as the fund manager for the disbursed funds. The fund manager or their designee will be responsible for maintaining and managing the special investigation funds.

Each special investigation fund requires the creation and maintenance of an accurate and current transaction log by the fund manager or their designee.

At no time shall the special investigation transaction request exceed the funds available within the special investigation fund.

[Procedure Manual: 704 Cash Handling, Security and Management](#)

#### 704.3.1 SPECIAL INVESTIGATION TRANSACTIONS

The fund manager or their designee shall document all transactions on the log and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the log, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form when practicable. Transactions that are not documented by a receipt, invoice or cash transfer form require additional reporting to the circumstances of the transaction. The fund manager shall provide the coordinating investigation report documenting the use of Department funds in the course of the investigation.

#### 704.3.2 SPECIAL INVESTIGATION AUDITS

The fund manager shall perform an audit of special investigation funds no less than on a quarterly basis. This audit requires that the fund manager and at least one command staff member, review the transaction log and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the log attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Chief of Police.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Cash Handling, Security and Management*

---

Transference of fund management to another member shall require a separate special investigation fund audit and involve a command staff member.

A separate audit of each special investigation fund should be completed on a random date, approximately once each year, by the Chief of Police, his/her designee, or the City.

#### **704.4 PETTY CASH FUNDS**

All requests for petty cash will be presented, in writing, to the Chief of Police for authorization. Upon authorization, the request will be forwarded to the City Treasurer for disbursement. Once disbursed, the petty cash fund will be secured in the office of the Administrative Assistant to the Chief. The Administrative Assistant to the Chief or their designee will serve as the petty cash fund manager.

The petty cash fund requires the creation and maintenance of an accurate and current transaction log by the fund manager or their designee.

At no time shall the petty cash request exceed the funds available within the petty cash fund.

##### **704.4.1 PETTY CASH TRANSACTIONS**

The fund manager shall document all transactions on the log and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the log, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice, or cash transfer form when practicable. Transactions that are not documented by a receipt, invoice, or cash transfer form require additional reporting to the circumstances of the transaction.

##### **704.4.2 PETTY CASH AUDITS**

The fund manager or their designee shall perform an audit of petty cash funds no less than on a quarterly basis. This audit requires that the fund manager and at least one command staff member, review the transaction log and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the log attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Chief of Police.

Transference of fund management to another member shall require a separate petty cash fund audit and involve a command staff member.

A separate audit of the petty cash fund should be completed on a random date, approximately once each year, by the Chief of Police, his/her designee, or the City.

#### **704.5 ROUTINE CASH HANDLING**

Members who handle cash as part of their regular duties (e.g., property and evidence technicians) will discharge those duties in accordance with the procedures established for those tasks (see the Property and Evidence Section policy).

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Cash Handling, Security and Management*

---

##### **704.6 OTHER CASH HANDLING**

Members who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Section Policy.

Cash in excess of \$1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

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# Personal Protective Equipment

## 705.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

### 705.1.1 DEFINITIONS

Definitions related to this policy include:

**Personal protective equipment (PPE)** - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

**Respiratory PPE** - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

## 705.2 POLICY

The Traverse City Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

## 705.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

## 705.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in MCL 408.1014 and 29 CFR 1910.95.

## 705.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Personal Protective Equipment*

---

The Chief Firearms Instructor shall ensure eye protection meets or exceeds the requirements provided in MCL 408.1014 and 29 CFR 1910.133.

#### **705.6 HEAD AND BODY PROTECTION**

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection, should be provided as required by any collective bargaining agreement.

#### **705.7 RESPIRATORY PROTECTION**

The Office of the Chief of Police, or his/her designee, is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan should include procedures for (29 CFR 1910.134; MCL 408.1014):

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.
- (g) Regularly reviewing the PPE plan.
- (h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

##### **705.7.1 RESPIRATORY PROTECTION USE**

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (29 CFR 1910.134; MCL 408.1014):



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Personal Protective Equipment*

---

- (a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.
- (b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.
- (c) The member needs to replace the respirator, filter, cartridge or canister.

#### 705.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (29 CFR 1910.134; MCL 408.1014):

- (a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.
- (b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.
- (c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
- (d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

#### 705.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (29 CFR 1910.134; MCL 408.1014).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

- (a) They smell, taste or are irritated by a contaminant.
- (b) They experience difficulty breathing due to filter loading.
- (c) The cartridges or filters become wet.
- (d) The expiration date on the cartridges or canisters has been reached.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Personal Protective Equipment*

---

##### **705.7.4 SELF-CONTAINED BREATHING APPARATUS**

Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

- (a) Entering the hot zone of a hazardous materials incident.
- (b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.
- (c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

##### **705.7.5 RESPIRATOR FIT TESTING**

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (29 CFR 1910.134; MCL 408.1014).

After initial testing, fit testing for respiratory PPE shall be repeated (29 CFR 1910.134; MCL 408.1014):

- (a) At least once every 12 months.
- (b) Whenever there are changes in the type of SCBA or facepiece used.
- (c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

##### **705.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE**

No member shall be issued respiratory protection that forms a complete seal around the face until (29 CFR 1910.134; MCL 408.1014):

- (a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.
- (b) A physician or other licensed health care professional has reviewed the questionnaire.
- (c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

##### **705.8 RECORDS**

The Training Manager is responsible for maintaining records of all:

- (a) PPE training.
- (b) Initial fit testing for respiratory protection equipment.
- (c) Annual fit testing.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Personal Protective Equipment*

---

- (d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the established records retention schedule (29 CFR 1910.1020; MCL 408.1014).

#### **705.9 TRAINING**

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (29 CFR 1910.132; MCL 408.1014).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (29 CFR 1910.134; MCL 408.1014).

# Tourniquet Program

## 706.1 PURPOSE AND SCOPE

Tourniquets are designed to treat wounds to arms and legs with severe bleeding caused by violent trauma. The application of a tourniquet may be the best initial option to control extremity bleeding when a person has a signs of hypovolemic shock caused by blood loss.

The purpose of this policy is to provide officers with guidelines for the proper use of tourniquets.

## 706.2 POLICY

The Traverse City Police Department endeavors to protect members by supplying tourniquets to its members. Use of a tourniquet will be consistent with guidelines provided within this policy and within those provided in departmental training.

## 706.3 OFFICER RESPONSIBILITIES

Members of the Department are required to insure they are equipped with tourniquets while on duty.

- (a) The issued tourniquet will be secured by members of the department in the prescribed manner and as specified in training.
  1. Uniform officers may stow their issued tourniquet in one of the following two manners:
    - (a) Each officer is issued a carrying case that may be affixed to their duty belt and contain the tourniquet.
    - (b) The tourniquet may also be secured in the driver's side door pocket of their assigned patrol vehicle.
  2. Plain clothes and undercover officers may stow their issued tourniquet in one of the following two manners:
    - (a) In their departmentally issued tactical vest which will be stored in their department vehicle when not in use.
    - (b) The tourniquet may also be secured in the driver's side door pocket of their assigned vehicle.
- (b) Officers are responsible for proper maintenance and storage of the issued tourniquet.
- (c) Officers are vested with the responsibility of maintaining their issued tourniquet in an operational state.
- (d) The tourniquet will be used in a manner consistent with the established training and as part of the overall sequence for treatment of hemorrhage control (direct pressure, pressure bandages, etc.).
- (e) The use of a tourniquet other than the one issued by the department is permissible to prevent loss of life.
- (f) Officers electing to stow additional tourniquets in their departmental vehicle are not relieved of the responsibilities associated with departmental issued tourniquets as

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Tourniquet Program*

---

outlined in this policy. No tourniquet other than a departmental issued tourniquet will be carried on an officer's person or affixed to their duty belt without prior approval of their division commander.

#### **706.4 TOURNIQUET USE**

Always follow universal precautions and training guidelines when applying a tourniquet. The following is the prescribed method of application and use of the tourniquet according to the manufacturer's instructions:

- (a) Position the tourniquet: Place the tourniquet around the limb, place the tourniquet as high as possible above the wound but not over a joint whenever possible.
- (b) Pull strap through buckle: Route the tag end of the strap through the buckle, if necessary. Pull the strap tightly and secure it in place.
- (c) Twist the rod: Tighten the tourniquet by twisting the rod until the flow of bleeding stops and secure the rod in place. Do not cover the tourniquet with clothing whenever possible.
- (d) Record the time: Note and record the time of application and provide this information to responding EMS personnel.

#### **706.5 REMOVAL AND DISPOSAL OF TOURNIQUET**

Once the tourniquet has been applied it should only be removed and disposed of by EMS or hospital personnel.

#### **706.6 REPORTING REQUIREMENTS**

Use of a tourniquet shall be documented in the member's official police report. The documentation shall include:

- (a) name of the person receiving tourniquet application
- (b) venue of application
- (c) time of application
- (d) observations justifying application
- (e) location of application upon person
- (f) time of notification to EMS/Hospital personnel concerning tourniquet application
- (g) name of EMS/Hospital personnel receiving notification

#### **706.7 REPLACEMENT OF TOURNIQUET**

It is the officer's responsibility to insure a request for replacement is initiated as prescribed in this manual as it relates to the replacement of departmentally issued equipment. Once issued a replacement tourniquet it shall be carried as specified within this policy.

#### **706.8 TRAINING**

The Training Manager is responsible for maintaining tourniquet training records.

Tourniquet training will consist of the following:

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Tourniquet Program*

---

- (a) All members shall be trained in the proper use and maintenance of the tourniquet issued to them.
- (b) Training shall include when use is appropriate; proper application; removal and adjustment guidelines; care; and limitations.
- (c) Members will receive training during initial tourniquet distribution.
- (d) Members issued a tourniquet and assigned to First Aid/CPR training as well as Firearms training will bring their tourniquet. Refresher and update training concerning tourniquet application and use may take place during these sessions.

## Thermo Scientific TruNarc Analyzer

### 707.1 PURPOSE AND SCOPE

It is the purpose of this policy to guide department members in the use of the TruNarc Analyzer. The Tru Narc Analyzer rapidly identifies drugs safely and efficiently.

### 707.2 POLICY

It is the policy of the Department to use the TruNarc Analyzer to identify suspected or unknown drugs and/or substances.

### 707.3 ANALYZER

The TruNarc Analyzer is only to be used by those personnel authorized in its operation. Authorized personnel must successfully complete a course of instruction as approved by the Thermo Scientific Corporation certifying the operator in the proper use of the instrument in regard to safety and scanning procedures.

[Procedure Manual: 707 Thermo Scientific TruNarc Analyzer](#)

### 707.4 ANNUAL REPORT

The Investigative Services Division Commander in conjunction with the property and evidence section technician should complete an annual report to the Chief of Police concerning the progress and status of Thermo Scientific TruNarc Analyzer Program.

## **Chapter 8 - Support Services**



## Crime Analysis

### 800.1 PURPOSE AND SCOPE

This policy provides guidelines for utilizing crime analysis to support the overall law enforcement efforts of the Traverse City Police Department. It addresses the collection and dissemination of crime analysis data that is useful to long-range planning and that can assist in identifying enforcement priorities, strategies and tactics.

### 800.2 POLICY

It is the policy of the Traverse City Police Department to utilize crime analysis as a tool in crime control and prevention efforts. This entails gathering, analyzing and correlating data to effectively deploy the resources of this department.

### 800.3 DATA SOURCES

Crime analysis data is extracted from many sources including but not limited to:

- Crime reports.
- Field Interview (FI) cards.
- Parole and probation records.
- Activity records from Central Dispatch.
- Michigan Law Enforcement Data Exchange (Mi-DEx).
- Michigan Intelligence Operations Center (MIOC).
- Michigan Automated Prescription System (MAPS).
- Michigan Criminal Justice Information Systems (CJIS)

### 800.4 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for crime analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Crime Analysis*

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##### **800.5 CRIME ANALYSIS DISSEMINATION**

Information developed through crime analysis should be disseminated to the appropriate divisions or members on a timely basis. Information that is relevant to the operational or tactical plans of specific line members should be sent directly to them. Information relevant to the development of department strategic plans should be provided to the appropriate command staff members.

When information pertains to tactical and strategic plans, it should be provided to all affected members.

##### **800.6 ANNUAL REPORT**

The Investigative Services Division Commander in conjunction with the Detective Sergeant should complete an annual report to the Chief of Police concerning crime data, statistics and analysis.

## Radio Communications

### 801.1 PURPOSE AND SCOPE

This directive establishes requirements related to the use of radio communication by members of the Traverse City Police Department.

### 801.2 POLICY

It is the policy of the Traverse City Police Department to utilize radio communications to maintain contact with officers in the field. All radio communications will comply with the Federal Communications Commission (FCC) rules for proper operation of a radio transmitter.

Calls for service are generally received at either the Traverse City Police Department or Grand Traverse County Central Dispatch. Calls received through the Department will be forwarded to Central Dispatch for assignment.

The Law Enforcement Center (LEC) serves as the back-up 911 Central Dispatch for Grand Traverse County. In the event that Grand Traverse County Central Dispatch is unable to operate, trained dispatchers from their agency will operate the Central Dispatch computer aided dispatch (CAD) equipment from within the LEC.

### 801.3 DISPATCHER RESPONSIBILITIES

- (a) The Department dispatcher will obtain and record the following information for each call for service or self-initiated activity by the officer in the CAD computer system.
  1. Complaint number.
  2. Date and time of request.
  3. Name, address and telephone number of complainant, if possible.
  4. Type of incident reported. Location of incident reported.
  5. Identification of Officer(s) assigned as primary and backup.
  6. Disposition or status of reported incident.
- (b) Central Dispatch will dispatch the call and record the following in their CAD computer system:
  1. Date and time of request.
  2. Name, address, telephone number of complainant, if possible.
  3. Type of incident reported.
  4. Location of incident reported.
  5. Identification of officers assigned to the call.
  6. Time of dispatch.
  7. Time of arrival.
  8. Time of officer return to service.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Radio Communications*

---

- (c) Radio operators shall immediately assign back-up units on the following calls:
  - 1. Disturbances involving verbal or physical aggression in progress or having just occurred.
  - 2. Mentally ill subjects.
  - 3. Open doors or windows.
  - 4. Crimes against persons or property in progress or having just occurred.
  - 5. Traffic stops involving possible drunk driving arrests, LEIN hits on wanted persons, or stolen vehicles.
  - 6. Persons with a weapon.
  - 7. Prowlers.
  - 8. Alarms.
  - 9. Upon the request of an officer or as directed by a command officer.
  - 10. If, after taking the information on a call, the radio operator determines the officer may be in danger.

#### **801.4 GENERAL RULES OF OPERATIONS**

- (a) Only radio communications that relate directly to official business of the Department shall be transmitted, except as may be related to a personal emergency.
- (b) The following transmissions are prohibited at any time:
  - 1. Indecent, obscene, profane words, or language that includes slang and nicknames of fellow employees
  - 2. Music, whistling, sound effects, or material intended to amuse or entertain
  - 3. Argumentative, sarcastic, or superfluous remarks
  - 4. False or deceptive messages
  - 5. Continuous, un-modulated carrier or "mike clicking"
  - 6. Intentional interference with other users or units
- (c) Employees are responsible for inspecting their assigned radio equipment to ensure that it is in proper working order. Any officer requiring repair to radio equipment shall notify the Supervisor(s).
- (d) Modification or repair of radio equipment, except by authorized employees or vendors, is prohibited.

#### **801.5 VOICE RADIO COMMUNICATIONS**

- (a) All officers shall monitor and scan the assigned primary emergency radio frequency and the Department Administrative radio frequency on their portable unit and in their mobile unit.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Radio Communications*

---

- (b) The primary dispatch radio frequency shall be used to transmit and receive all emergency or urgent radio communication. Routine radio transmissions may be made on the Department Administrative frequency designated for such use. The Central Dispatch frequencies may be used for communication with other agencies in Grand Traverse County as necessary when other compatible frequencies are not available.
- (c) All units shall respond promptly to a call from the dispatcher and supervisory or command units in a clear understandable manner. A click of the microphone is not sufficient.
- (d) Patrol personnel shall use their Department badge number as their radio call designator. Names of individuals should not be used as radio designators.
- (e) All units shall respond to an initial call from the dispatcher with their radio call designator and their location.
- (f) On-duty personnel with portable radios shall closely monitor the radio except:
  - 1. When conducting an interview and have notified communications and their supervisor that their portable radio is off. If possible, a telephone number should be provided to the dispatcher where the officer can be contacted.
  - 2. Personnel are in their vehicle and their mobile radio is on,
  - 3. A tactical situation when it is necessary for officer safety that the portable radio be turned off. The dispatcher should first be notified if possible.
- (g) Radio-equipped units should listen briefly to radio traffic on their frequency before broadcasting so as to not interfere with other units. However, all units shall yield the frequency to units identifying "EMERGENCY" traffic.
- (h) Patrol units shall notify the Dispatcher when entering service at the beginning of their tour of duty and upon leaving service at the end of their tour of duty.
- (i) All units shall acknowledge and comply with the directions of the Dispatcher unless otherwise instructed by a supervisor.
- (j) Units shall advise the Dispatcher promptly of changes in location while on calls for service.
- (k) Patrol units shall notify the Dispatcher of the location of all traffic stops, person stops, and other events for which they leave their patrol vehicle. They shall promptly notify the Dispatcher of their return to their vehicle.
- (l) Officers requiring emergency assistance shall utilize the patrol vehicle radio or portable radio to summon additional officers or utilize the radio's "duress" button.
- (m) All misdirected 911 phone calls received at the Traverse City City Police Department will be directed/forwarded to Central Dispatch.
- (n) Cell phones shall not be used in place of radio communications.

#### **801.6 OFFICER NEEDS ASSISTANCE - RADIO DURESS ALARM CALLS**

Traverse City Police Department personnel and patrol vehicles are equipped with the 800 MHz radios. These radios, both mobile and portable, have an officer duress alarm. This duress alarm

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Radio Communications*

---

is to be activated by officers when in a threatening situation which requires immediate backup assistance. The duress alarm is to be considered an "officer needs emergency assistance" request.

When a duress alarm is activated the following actions will be initiated:

- (a) Units will refrain from all unnecessary radio traffic.
- (b) Central Dispatch will check the status of the unit in alarm. If the unit in alarm hit the button by mistake or the danger is no longer present they will respond with that information. If the officer fails to respond, the activation will be considered a valid alarm and assume the officer is in a life threatening situation.
- (c) All units will assume that the officer is in trouble and cannot safely relay information and attempt to locate the officer.
- (d) If the alarm is valid officers will attempt to locate the threatened officer.
- (e) The officer under duress will attempt to advise Central Dispatch of the nature of the emergency/threat, if at all possible, without jeopardizing themselves. Central Dispatch will advise the shift supervisor immediately for required response.
- (f) If the alarm is invalid Central Dispatch will advise the unit in alarm to reset their radio.
- (g) If the officer activated the alarm by accident or the threat is no longer present they will reset their radio after responding to the status and advise Central Dispatch of the incident or error.
- (h) Upon receipt of the alarm, Central Dispatch will silence the alarm but will not reset it until assured the alarm is either invalid or the emergency is no longer present.

#### **801.7 PRESERVATION OF 911 RECORDINGS**

- (a) All 911 recordings shall be maintained for at least 31 days on Central Dispatch's computer system.
- (b) Central Dispatch follows their procedures for routine securing of such recordings for the retention period.
- (c) Recorded files containing information that may be of value for case prosecution or in any criminal or civil adversarial proceeding shall be safeguarded as other forms of evidence. As such, these files will:
  - 1. Be subject to the same security restrictions and chain of evidence safeguards as any other evidence; stored recordings which are produced shall be downloaded to the Department computer using the associated incident number.
  - 2. Shall not be released to any agency or individual without prior approval of the Chief or his designee.
- (d) Copies of stored recordings for evidentiary purposes shall be requested by the investigating officer by completing a Grand Traverse County Central Dispatch run review form.

#### **RADIO COMMUNICATIONS: 801**

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Radio Communications*

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##### **801.8 MEDICAL CALLS**

- (a) Emergency Medical calls, if called in to the Department, will be forwarded to Central Dispatch.
- (b) Central Dispatch operators shall provide Emergency Medical dispatch instructions.
- (c) The person giving Emergency Medical dispatch instructions must be certified.

##### **801.9 BACKUP GENERATOR**

- (a) Grand Traverse County maintains an emergency backup generator to provide power to its dispatch/communications equipment (radios and telephones) as well as the LEC. The generator tested monthly and once a year under full load and maintained per the manufacturer's specifications.
- (b) Central Dispatch maintains an uninterruptible power supply (UPS) to provide power to its dispatch/communications equipment (radios and telephones) during testing. The UPS must be tested or operated under a full load at least annually.

## Property and Evidence Section

### 802.1 PURPOSE AND SCOPE

This policy provides guidelines for the proper processing, storage, security and disposition of evidence and other property. This policy also provides for the protection of the chain of custody and identifies those persons authorized to remove and/or destroy property.

#### 802.1.1 DEFINITIONS

Definitions related to this policy include:

**Bicycle Storage** - The restricted access area located at the Department of Public Services (DPS), a building consisting of a fully enclosed garage for larger, bulk evidence/property. Both the lot and garage are secured at all times via lock and key.

**Custodial Agents** - The Investigative Services Division Commander and the Property and Evidence Technician are the custodial agents of the property room

**Evidence/Property Locker** - A series of lockers where evidence/property secured for processing is transitioned to and from the property room. These lockers are secured by a manual locking control (key).

**Digital Media Evidence** - Any digital file recorded, captured, saved and/or retained as a proof as it relates to an investigation being conducted by this Department.

**Property** - All articles placed in secure storage within the Property and Evidence Section, including the following:

**Record Management System (RMS)** - Electronic recording of property, evidence and chain of custody.

- Evidence - Items taken or recovered in the course of an investigation that may be used in the prosecution of a case, including photographs and latent fingerprints.
- Found property - Items found by members of the Department or the public that have no apparent evidentiary value and where the owner cannot be readily identified or contacted.
- Safekeeping - Items received by the Department for safekeeping, such as a firearm, the personal property of an arrestee that has been not taken as evidence and items taken for safekeeping under authority of law.

### 802.2 POLICY

It is the policy of the Traverse City Police Department to process and store all property in a manner that will protect it from loss, damage or contamination, while maintaining documentation that tracks the chain of custody, the location of property and its disposition.

### 802.3 EVIDENCE COLLECTION

[Procedure Manual: 802.1 PROPERTY AND EVIDENCE](#)



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Property and Evidence Section*

---

##### 802.3.1 IDENTIFYING, PRESERVING AND COLLECTING PHYSICAL EVIDENCE

The primary duty and responsibilities of an officer, once belief is established that a crime may have been committed, is to accurately record the scene and evidence through techniques including scene photography, evidence collection, the development and collection of latent print when practical, and detailed report writing. A crime or traffic accident scene must be secured as soon as possible to prevent the loss of potential evidence.

It is the initial responding officer's responsibility to secure and protect the scene from all nonessential personnel in order to prevent contamination of the scene or the loss of evidence. Officers should identify evidence by serial number, make, model, manufacturer, color, size, or any other descriptive features that may be applicable. Examples of physical evidence include, but are not limited to: physical property, bodily fluids and/or DNA, injuries, digital correspondences or property damage. Potential evidence should be preserved in the same condition as when collected, whenever applicable. Evidence condition may be altered as a result of safety requirements, environmental conditions, testing, analysis or processing. Any evidence that is collected should be photographed in its original location, position and condition prior to collection, when practical. Proper Personal Protective Equipment (PPE) should be worn when collecting evidence that could be contaminated by DNA, foreign fingerprints or hazardous materials. In order to collect and preserve potential evidence that may be beyond the capabilities of patrol officers, Evidence Technicians and traffic accident investigators/reconstructionists should be considered for investigations such as:

- (a) Recovered stolen automobiles
- (b) Homicide
- (c) Deaths (suicide, criminal, or accidental)
- (d) Sexual assault
- (e) Robbery
- (f) Kidnapping
- (g) Burglaries, when:
  - 1. Processing would take an unreasonable amount of time if completed by a patrol officer as determined by an on-scene supervisor.
  - 2. Evidence at the scene could be jeopardized utilizing available resources or equipment.
  - 3. Multiple burglaries are likely connected.
- (h) Serious injury or fatal traffic accidents

Evidence Technicians maintain equipment and supplies for the collection and preservation of evidence beyond the capabilities of patrol officers, to include:

- (a) Enhanced digital cameras;
- (b) Crime scene sketching capabilities;

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Property and Evidence Section*

---

- (c) Improved fingerprint collection capabilities;
- (d) DNA collection capabilities;
- (e) Casting/Impression capabilities;
- (f) Measurement equipment; and/or
- (g) Specialty reconstruction equipment.

#### 802.3.2 TRANSFER OF EVIDENCE CUSTODY WHILE IN THE FIELD

Evidence that is transferred from the custody of one officer to another while in the field shall be noted in the report.

#### **802.4 PROPERTY AND EVIDENCE SECTION SECURITY**

The Property and Evidence Section shall maintain secure storage and control of all property in the custody of this department. A property and evidence technician shall be appointed by and will be directly responsible to the Investigative Services Division Commander or the authorized designee. The property and evidence technician is responsible for the security of the Property and Evidence Section.

##### 802.4.1 REFUSAL OF PROPERTY

The property and evidence technician has the obligation to refuse any piece of property that is hazardous or that has not been properly documented or packaged. Should the property and evidence technician refuse an item of property, he/she shall maintain secure custody of the item in a temporary property locker or other safe location and inform the submitting member's supervisor of the reason for refusal and the action required for acceptance into the Property and Evidence Section.

##### 802.4.2 KEY CONTROL

The primary key holders of the Property and Evidence Section is the Investigative Services Captains of the Traverse City Police Department and the Grand Traverse County Sheriff's Department. Additional keys are assigned to the Property and Evidence Section Technicians; one for the City and one for the County. Keys shall not be loaned to anyone and shall be maintained in a secure manner. If a Property and Evidence Section key is lost, contact shall be made with the County Investigative Services Captain and all access points shall be re-keyed immediately. New keys will be issued as necessary.

The building facilities department does not hold or maintain a key to this area.

##### 802.4.3 ACCESS

Only authorized members assigned to the Property and Evidence Section shall have access to property storage areas. Any individual who needs to enter a property storage area (e.g., maintenance or repair contractors) must be accompanied by the property and evidence technician. Each individual must sign the Property and Evidence Section access log and indicate:

- (a) The date and time of entry and exit.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Property and Evidence Section*

---

- (b) The purpose for access, including the specific case or property number if applicable.

Each access log entry shall be initialed by the accompanying department member.

#### 802.4.4 PRIMARY AND ALTERNATE CUSTODIANS

The Department's property and evidence section technician shall be the primary property/evidence custodian; the Grand Traverse County Sheriff's Office property and evidence section technician shall be the alternate property/evidence custodian.

#### 802.5 PROPERTY HANDLING

The member who first comes into possession of any property is generally responsible for the care, custody and control of such property until it is transferred to the property and evidence technician and/or processed and placed in a temporary property locker or storage area. Care shall be taken to maintain the chain of custody for all items of evidence. The member shall document in their report explaining how the evidence/property came into their possession.

The doors to all temporary property storage lockers are to remain unlocked with the key inserted in the lock for the purpose of storing evidence/property. Once evidence/property is placed into a temporary property storage locker, the door shall be closed, locked and the key removed. The member shall place the key in the drop slot to be retrieved by the Property and Evidence Technician for further processing.

In the event that all temporary property storage lockers are full, during or outside normal business hours, the member should notify a Property and Evidence Technician. The Property and Evidence Technician will then direct the member on the appropriate temporary storage of the evidence/property.

Whenever property is taken from an individual, a quick property receipt will be completed. If many items are taken, a complimentary "like items form" will be completed listing the larger items. The receipt shall describe the property and contain a notice on how to retrieve the property from the Department. A copy of the property receipt shall be given to the individual from whom the property was taken.

#### 802.5.1 PROCESSING AND PACKAGING

All property must be processed by the responsible member prior to the member going off-duty, unless otherwise approved by a supervisor. Members shall process and package property as follows:

- (a) A quick property receipt shall be completed describing each item. List all known information, including:
1. The serial number.
  2. The owner's name.
  3. The finder's name.
  4. Other identifying information or markings.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Property and Evidence Section*

---

- (b) Each item shall be marked with the member's initials and the date processed using a method that will not damage, deface, degrade or devalue the item. Items too small or too delicate to mark should be individually packaged and labeled and the package marked with the member's initials and date.
- (c) Property shall be packaged in a container suitable for its size.
- (d) A property tag shall be completed and attached to the property or container in which the property is stored.
- (e) The case number shall be indicated on the property tag and the container.
- (f) The property receipt shall be submitted with the property directly to the property and evidence technician or placed in a temporary property locker.
- (g) Items too large to fit in a temporary property locker may be placed in a designated storage area that can be secured from unauthorized entry, and the property receipt placed in a temporary property locker.

#### 802.5.2 EXCEPTIONAL PROCESSING

The following items require special consideration and shall be processed as follows, unless special conditions dictate a reasonable deviation:

**Bicycles** - Bicycles and bicycle frames shall have a property tag securely attached and should be placed in the bicycle storage area at the Department of Public Services.

**Biological and related items** - Evidence that may contain biological samples shall be indicated as such on the property receipt with a biohazard sticker.

Property stained with bodily fluids, such as blood or semen, shall be dried on the crime lab drying rack by a crime tech prior to processing.

Items of evidence collected from a crime scene that require specific storage requirements pursuant to laboratory processing shall have such storage requirements clearly indicated on the property form.

Items that are potential biohazards shall be appropriately packaged and marked "Biohazard" to reduce the risk of exposure or contamination.

**Cash** - Cash shall be counted in the presence of another member. The cash shall be placed in a property envelope and initialed by both members. A supervisor shall be contacted for cash in excess of \$1,000. The supervisor shall witness the count, initial and date the envelope, and specify any additional security procedures that may be necessary.

**Explosives and fireworks** - Explosives will not be retained in the police facility. Fireworks that are considered stable and safe, as well as road flares or similar signaling devices, may be stored in proper containers in an area designated for storage of flammable materials.

The property and evidence technician is responsible for transporting to the fire department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Property and Evidence Section*

---

**Firearms and other weapons** - Firearms shall be unloaded and packaged separately from ammunition. Knife boxes should be used to package knives with biohazard or print protection.

**Government property** - License plates that have not been reported stolen or are of no evidentiary value should be placed in the designated container for return to the Michigan Secretary of State. No formal property processing is required.

City property that is of no evidentiary value should be released directly to the appropriate City department. No formal property processing is required.

If no responsible City personnel can be located, the property should be held for safekeeping.

**Jewelry and precious metal** - Jewelry and precious metals of value will be packaged separately from other types of evidence. Jewelry and precious metals of value submitted to the property room shall be stored in the property room safe.

**Sharps** - Syringe tubes should be used to package syringes and needles if sending for analysis. If no evidentiary value, dispose in the supplied sharps container.

**Vehicles** - Vehicles shall be entered into the RMS, attached as evidence/property to its corresponding report. Vehicles shall be placed inside of the secure evidence garage at the Law Enforcement Center for processing.

The property room contains a safe for the storage of exceptional and/or valuable evidence/property. Evidence/property such as currency, jewelry, precious metals and so forth.

The property room contains a combination refrigeration and freezer unit for the storage of temperature sensitive evidence/property. Evidence/property such as blood, urine, DNA and other perishables are stored inside of the refrigeration unit.

In order to provide and maintain enhanced security of the bicycle storage area, the shift supervisor will conduct a check of the facilities once per shift, call volume and staffing levels permitting. These checks will be documented in the Guardian Tracking System.

#### 802.5.3 CONTROLLED SUBSTANCES

- (a) Controlled substances shall not be packaged with other property, but shall be processed separately using a separate property receipt.
- (b) The member processing controlled substances shall retain such property in his/her possession until it is weighed, packaged, tagged and placed in the designated controlled substances locker, accompanied by the property receipt.
- (c) Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected controlled substances. If conducted, the result of the test shall be included in the crime report and noted on the quick property tag.
  1. The member shall package controlled substances as follows:
    - (a) Maintain the property in the container in which it was seized and place it in a property envelope of appropriate size.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Property and Evidence Section*

---

- (b) Seal and initial the property envelope and cover the initials with evidence tape.
  - (c) Weigh the property envelope to obtain the Gross Package Weight (GPW).
  - (d) Write the GPW and then initial and date both the outside of the package and the property form.
- (d) When the quantity of controlled substances exceeds the available safe storage capacity as determined by the property and evidence technician, the quantity shall be photographed and weighed.
- 1. A representative sample of sufficient quantity to allow scientific analysis of the controlled substances should be taken as allowed by state law and placed in a separate package or container.
  - 2. Excess quantities should be stored or disposed of as required by law or directed by court order.
- (e) Marihuana with any perceptible moisture content shall be loosely packaged in a container that allows for drying or shall be dried prior to storage. The property and evidence technician shall monitor stored marihuana for growth of mold.

In order to provide enhanced security for controlled substances, such items will be placed within a locked filing cabinet within the property and evidence storage room.

#### **802.6 RECORDING OF PROPERTY**

The property and evidence technician receiving custody of property shall ensure a quick property receipt for each item or group of items is created. The property receipt will be the permanent record of the property in the Property and Evidence Section. The property and evidence technician will record on the property receipt his/her signature, GPW if the package contains controlled substances, the date and time the property was received and where the property will be stored.

A unique property number shall be obtained for each item or group of items from the property software. This number shall be recorded on the quick property receipt and property tag. The evidence custody receipt shall document the following:

- (a) Property number (to be assigned by the Property and Evidence Tech)
- (b) Case number
- (c) Property tag number
- (d) Item description
- (e) Item storage location
- (f) Receipt, release and disposal dates

Any change in the location of property held by the Traverse City Police Department shall be noted on the quick property receipt.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Property and Evidence Section*

---

#### **802.7 PROPERTY CONTROL**

The property and evidence technician temporarily relinquishing custody of property to another person shall record on the quick property receipt his/her signature, the date and time the property was released, the name and signature of the person accepting custody of the property and the reason for release.

Any member receiving property shall be responsible for such property until it is returned to the Property and Evidence Section or released to another authorized person or entity.

The return of the property to the Property and Evidence Section should be recorded on the quick property receipt, indicating the date, the time, the name and the signature of the person who returned the property and the name and signature of the person to whom the property was returned.

##### **802.7.1 EVIDENCE**

Every time evidence is released or received, an appropriate entry on the property receipt shall be completed to maintain the chain of custody. No evidence is to be released without first receiving written authorization from the Detective or Officer in charge of the case.

The temporary release of evidence to members for investigative purposes or for court proceedings shall be noted on the property receipt, stating the date, time and to whom it was released. Requests for items of evidence needed for court proceedings shall be submitted to the property and evidence technician at least one day prior to the court date.

Requests for laboratory analysis shall be completed on the appropriate lab form and submitted to the property and evidence technician. This request may be submitted any time when an item is submitted to the LEC Crime Lab and after the property has been processed.

##### **802.7.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY**

The property and evidence technician releasing items of evidence for laboratory analysis must complete the required information on the property receipt. The transporting member will acknowledge receipt of the evidence by indicating the date and time on the property receipt and in the RMS. The lab form will be transported with the evidence to the examining laboratory. All evidence shall be packaged in accordance with the Michigan State Police Forensic Science Division guidelines, which includes clearly labeled and sealed.

Any authorized department member may transport evidence to the laboratory, although this task should generally be completed by a member who is assigned by the Detective Bureau.

Upon delivering the item, the member will receive a receipt of submission from the lab and will return this receipt to the Property and Evidence Tech to record in the software and retain until the lab results are sent. The original copy of the lab form will remain with the evidence in the lab.

The lab results will be sent to the Detective Officer in Charge/Officer in Charge and Central Records to be uploaded into the report system by the Property and Evidence Tech.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Property and Evidence Section*

---

##### **802.7.3 CONTROLLED SUBSTANCES**

Each officer shall submit controlled substances according to the packaging the substance requires. White powders require a double clear packaging with biohazard sticker. Any Marijuana must be dry before placing in a package.

##### **802.7.4 UNCLAIMED MONEY**

The property and evidence technician shall submit an annual report, or more frequently as directed, regarding money that is presumed to have been abandoned to the Chief of Police and the City department responsible for auditing property. The property and evidence technician may deposit such money in compliance with existing laws upon receipt of proper authorization from the Chief of Police.

##### **802.8 RELEASE OF PROPERTY**

Release of property shall be made upon receipt of an authorized release. Authorization must come from the Detective/Officer in charge after the case and/or the Division Commander and may only be granted if adjudicated or if there is no evidentiary value. Authorization shall be documented on the evidence custody receipt. Release of all property shall be documented on the evidence property receipt.

Firearms or ammunition should only be released upon presentation of valid identification and authorized documents showing that the individual may legally possess the item after authorization by the Chief of Police. Authorization will be based on the case notes and background prepared by the Property and Evidence Tech once the Detective/Officer in charge of the case has indicated it no longer has evidentiary value.

All reasonable attempts shall be made to identify the rightful owner of found property and items held for safekeeping.

Found property and property held for safekeeping shall be retained for the period of time required by law. During such period, Property and Evidence Section members shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. The final disposition of all such property shall be fully documented on the property receipt.

A property and evidence technician shall release such property when the owner presents proper identification. The signature of the person receiving the property shall be recorded on the property receipt. If another person is picking up the item(s) for the rightful owner, a letter authorizing the release to that person must be presented along with identification. The Property and Evidence Tech will verify authenticity of the letter to the best of their ability.

If any item listed on a property receipt has not been released, the property receipt will remain with the Property and Evidence Section. When all property listed on the receipt has been released, the Property and Evidence Tech will scan the evidence custody receipt with the final piece of property from the case.



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Property and Evidence Section*

---

##### 802.8.1 DISCREPANCIES

The Shift Commander shall be notified whenever a person alleges that there is a shortage or discrepancy regarding his/her property. The Shift Commander will interview the person claiming the shortage. The Shift Commander shall ensure that a search for the alleged missing items is completed and shall attempt to prove or disprove the claim.

##### 802.8.2 DISPUTED CLAIMS TO PROPERTY

Occasionally, more than one party may claim an interest in property being held by this department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or establishes an undisputed right to the property.

All parties should be advised that their claims are civil. In extreme situations, legal counsel for this department should be contacted.

##### 802.8.3 SAFETY AND SECURITY

It is the responsibility of the Department's property and evidence technician to release property that has been authorized for release in compliance with this directive. The property and evidence technician is a civilian appointment, and as a result not armed or trained in self defense methods.

All transfer's of property by the property and evidence technician shall take place in the lobby of the Law Enforcement Center unless otherwise authorized by the Investigative Services Division Commander. In the following circumstances, the property and evidence technician shall request the presence of a sworn officer of this department who shall stand by for the duration of the citizen contact:

- (a) The property in question is:
  - 1. a firearm
  - 2. dangerous weapon
  - 3. explosive
  - 4. other item that could be reasonably considered to be a dangerous or hazardous item
  
- (b) The owner or designee accepting transfer is:
  - 1. A known felon
  - 2. Has known violent tendencies
  - 3. There is a known dispute concerning the property and/or reasonable means to believe the transfer could become confrontational in nature

##### **802.8 DESTRUCTION OR DISPOSAL OF PROPERTY**

An authorized Detective Bureau investigator or supervisor shall approve the destruction or disposal of all property held by this department.

All property not held for evidence in a pending criminal investigation or proceeding may be destroyed or disposed of in compliance with existing laws upon receipt of proper authorization

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Property and Evidence Section*

---

from the Detective/Officer in charge of the case. The disposition of all property shall be entered on the property receipt.

The following types of property shall be destroyed or disposed of according to department protocol at the time prescribed by law, unless a different disposition is ordered by a court:

- Weapons or devices declared by law to be illegal to possess
- Controlled substances declared by law to be illegal to possess without a legal prescription
- Fireworks

#### 802.8.1 BIOLOGICAL EVIDENCE

The property and evidence technician shall ensure that no biological evidence held by this department is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor and Attorney General
- (d) Any sexual assault victim
- (e) The Investigative Services Division Commander

Biological evidence shall be retained for a minimum period established by law or the expiration of any sentence imposed related to the evidence (MCL 767.24; MCL 770.16). Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice, unless a motion seeking an order to retain the sample is filed and served on this department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigative Services Division Commander.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Biological evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations. Even after expiration of the applicable statute of limitations, the Investigative Services Division Commander should be consulted and the sexual assault victim should be notified.

#### 802.8.2 MARIHUANA

At the first sign of mold growth, stored marihuana shall be photographed showing the mold growth. As soon as practicable, the property and evidence technician shall make efforts to lawfully destroy the contaminated marihuana, in compliance with this policy. The property and evidence technician should consult with the member assigned to the case investigation for authorization to destroy the

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Property and Evidence Section*

---

remaining marihuana, after taking representative samples, and should request assistance from the appropriate prosecutor to authorize destruction.

#### 802.8.3 MEDICAL MARIHUANA

The property and evidence technician shall store marihuana, drug paraphernalia or other related property that is seized from a person engaged in or assisting with the use of medical marihuana in a manner that is consistent with the provisions of the Medical Marihuana Policy.

Marihuana shall not be returned. This includes marihuana seized from a person who holds a valid medical permit to possess marihuana or who claims that possession of the marihuana is for medical purposes.

#### **802.8 INSPECTION OF THE PROPERTY AND EVIDENCE SECTION**

The Investigative Services Division Commander shall ensure that periodic, unannounced inspections of the Property and Evidence Section operations and storage facilities are conducted to ensure adherence to appropriate policies and procedures. The Investigative Services Division Commander also shall ensure that an audit is conducted annually, or as directed by the Chief of Police. Inspections and audits shall be conducted by an individual who is not routinely or directly connected with the Property and Evidence Section operations.

Whenever there is a change of assignment for any member with authorized access to the Property and Evidence Section, a complete inventory of all department property including firearms, safe and drugs by the incoming Property and Evidence Section will be conducted to ensure that all property is accounted for and the records are correct.

Inspections and audits shall be documented on the Department's property and evidence accountability report and retained in the Guardian Tracking program.

#### [Procedure Manual: 802.1 PROPERTY AND EVIDENCE](#)

#### 802.8.1 INSPECTIONS

Inspections of the Property and Evidence Section operations and storage facilities are conducted to ensure adherence to appropriate policies and procedures. Inspections are conducted to determine if the evidence/property storage areas are being maintained in a neat and organized manner that protects the integrity of the evidence/property and in accordance with this directive. The inspection does not require an inventory or audits.

The Investigative Services Division Commander shall conduct semi-annual inspections.

The Investigative Services Division Commander shall ensure that at minimum, there is one unannounced inspection annually of the Property and Evidence Section operations and storage facilities. The unannounced inspection is directed by the Chief of Police, who, may conduct additional unannounced inspections at his/her discretion.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Property and Evidence Section*

---

##### **802.8.2 REPRESENTATIVE AUDIT**

The Investigative Services Division Commander shall ensure that a representative audit is conducted annually, or as directed by the Chief of Police.

The representative audit consists of a significant sampling of high-risk items, and a documented sampling of a sufficient number of items within the evidence/property function that can show that Policy and Procedures are being followed and that the evidence/property selected can be followed accurately through the process.

A representative audit of completed transactions should be conducted by examining the case files to verify that required notifications and release authorizations have been properly submitted. In addition, a legitimate basis for the release decision should be clearly apparent in the file.

The representative audit shall be meaningful, but not a specific amount or percentage of the total number of items in storage. The samplings may include evidence/property from different years, different types of cases, different shelves/cabinets, or different rooms, areas, etc.

Audits shall be conducted by an individual who is not routinely or directly connected with the Property and Evidence Section operations.

##### **802.8.3 CHANGE OF PERSONNEL INVENTORY**

Whenever there is a change of assignment for any member with authorized access to the Property and Evidence Section, an inventory of firearms, the safe, and drugs by the incoming Property and Evidence Section will be conducted. Inventory should begin with a complete inventory of all items currently in the property repository. The inventory of the property vault should then be used to verify the accuracy of the central filing system.

The inventory must account for all items designated by the Department as “high-risk” (e.g. cash, precious metals, jewelry, firearms, perishable DNA and CDS).

##### **802.8.4 SUSPICION OF BREACH**

An inventory of evidence/property occurs whenever there is any indication or suspicion of a breach of the property/evidence repository. Inventory should begin with a complete inventory of all items currently in the property repository. The inventory of the property vault should then be used to verify the accuracy of the central filing system.

The inventory must account for all items designated by the Department as “high-risk” (e.g. cash, precious metals, jewelry, firearms, perishable DNA and CDS). For non high-risk evidence and property, a representatives sampling is sufficient.

#### **802.1 APPROPRIATIONS**

Evidence and property held by the Traverse City Police Department may be converted to departmental use for investigative, departmental or training use where State of Michigan statute and competent authority allow. The following security and accountability measures will be taken prior to conversion:

- (a) Written permission of the Chief of Police for property, evidence or contraband items.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Property and Evidence Section*

---

- (b) Assurance that any item of evidence is from a final adjudicated case.
- (c) Assurance that any item of in-custody property has exceeded the required retention period and documented owner notification attempts have been made.
- (d) Written permission of the Chief of Police when using contraband items.

Upon appropriation of the property, the property status will be updated in the RMS to "Custody to LEA", and current status disposed. The evidence/property will then have affixed to it the report number from which it originated. The Property and Evidence Technician who converted the evidence/property will update the status and leave a final disposition comment on the evidence/property receipt.

#### **802.12 PROPERTY AND EVIDENCE SECTION ANALYSIS REPORT**

At least annually, the Investigative Services Division Commander, in conjunction with the Property and Evidence Technician, should prepare an analysis report on property and evidence section activity. The report should be submitted to the Chief of Police.

## Central Records Division

### 803.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Traverse City Police Department Central Records Division. The policy addresses department file access and internal requests for case reports.

### 803.2 POLICY

It is the policy of the Traverse City Police Department to maintain department records securely, professionally and efficiently.

### 803.3 RESPONSIBILITIES

#### 803.3.1 RECORDS SUPERVISOR

The Chief of Police shall appoint and delegate certain responsibilities to a Records Supervisor. The Records Supervisor shall be directly responsible to the Office of the Chief of Police or the authorized designee.

The responsibilities of the Records Supervisor include, but are not limited to:

- (a) Overseeing the efficient and effective operation of the Central Records Division.
- (b) Scheduling and maintaining Central Records Division time records.
- (c) Supervising, training and evaluating Central Records Division staff.
- (d) Maintaining and updating a Central Records Division how-to guide adhering to TCPD policy.
- (e) Ensuring compliance with established policies and procedures.
- (f) Supervising the access, use and release of protected information (see the Protected Information Policy).
- (g) Establishing extra security measures and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports include, but are not limited to:
  - 1. All juvenile records
  - 2. Records of confidential nature
    - (a) Homicides
    - (b) Cases involving department members or public officials
    - (c) Non public personnel records
    - (d) Any case where restricted access is prudent
- (h) Conducting an immediate audit of the central records system if a breach of security is discovered
- (i) Conducting an annual security audit of the central records system

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Central Records Division*

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- (j) Conducting an annual password audit of applicable shared databases

#### **803.3.2 CENTRAL RECORDS DIVISION**

The responsibilities of the Central Records Division include, but are not limited to:

- (a) Maintaining a records management system for case reports.
  - 1. The records management system should include a process for numbering, identifying, tracking and retrieving case reports.
- (b) Entering case report information into the records management system.
  - 1. Modification of case reports shall only be made when authorized by a supervisor.
- (c) Providing members of the Department with access to case reports when needed for investigation or court proceedings.
- (d) Maintaining compliance with federal, state and local regulations regarding reporting requirements of crime statistics.
- (e) Maintaining compliance with federal, state and local regulations regarding criminal history reports and auditing.
- (f) Identifying missing case reports and notifying the responsible member's supervisor.
- (g) Completing Michigan State Police-mandated notification and data reporting, using required forms and processes, including:
  - 1. Monthly Uniform Crime Reporting (MCL 28.251).
  - 2. Missing persons and children reporting as described in the Missing Persons Policy.
  - 3. Reporting wanted persons or stolen vehicles within 12 hours after initial determination of status (MCL 28.254).
  - 4. Notification that an individual is no longer wanted or that a vehicle has been recovered (MCL 28.255).
  - 5. Reporting sexually motivated crimes and crimes involving sexual conduct (MCL 28.247).
  - 6. Reporting incidents of domestic violence (MCL 28.257).
  - 7. Reporting crimes motivated by prejudice or bias based upon race, ethnic origin, religion, gender or sexual orientation (MCL 28.257a).
  - 8. Reporting accidents resulting in personal injury, death or property damages totaling \$1,000 or more (MCL 257.622).
  - 9. Reporting all stolen and recovered personal property with a value of at least \$25, unless the property is recovered with 48 hours of its report as missing and the owner is known (MCL 28.411).

#### **803.4 FILE ACCESS AND SECURITY**

The security of files in the Central Records Division must be a high priority and shall be maintained as mandated by state or federal law. All case reports including, but not limited to, initial,

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Central Records Division*

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supplemental, follow-up, evidence and any other reports related to a police department case, including field interview (FI) cards, criminal history records and publicly accessible logs, shall be maintained in a secure area within the Central Records Division, accessible only by authorized members of the Central Records Division. Access to case reports or files when Central Records Division staff is not available may only be obtained through the Shift Commander.

The Central Records Division will also maintain an additional level of security for files containing case reports of juveniles or any other incident deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

#### **803.4.1 ORIGINAL CASE REPORTS**

Generally, original case reports shall not be removed from the Central Records Division. Should an original case report be needed for any reason, such as court, the requesting department member shall place an out card in the place of the original records that have been removed from the Central Records Division. Once the records are no longer needed, they will be returned to the Central Records Division and the out card will be removed from its place in the file system. This shall be the only authorized manner by which an original case report may be removed from the Central Records Division.

#### **803.4.2 JUVENILE AND CONFIDENTIAL RECORDS**

All juvenile and confidential criminal reports are maintained through the password protected RMS. Any juvenile or confidential criminal reports that must be filed in the Records Bureau are maintained by Records Bureau personnel, and are accessible by authorized personnel only. During non-business hours, physical copies of any juvenile and confidential reports are therefore secured in the locked Records Bureau. Juvenile reports are not public record.

#### **803.5 CONFIDENTIALITY**

Central Records Division staff has access to information that may be confidential or sensitive in nature. Central Records Division staff shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether in hard copy or electronic file format, or any other confidential, protected or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Central Records Division user guide.



## Records Maintenance and Release

### 804.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

### 804.2 POLICY

The Traverse City Police Department is committed to providing public access to records in a manner that is consistent with the Michigan Freedom of Information Act (FOIA) (MCL 15.231 et seq.).

### 804.3 RECORDS RETENTION, MAINTENANCE, AND DISPOSAL

It is the policy of the Traverse City Police Department that all records shall be maintained in accordance with the requirements set forth by the State of Michigan records retention schedule "General Rule #11 - Local Law Enforcement Agencies" and its amendments. Information shall be compiled and stored in such a manner that it can be retrieved and used to assist in the basic mission of the Traverse City Police Department.

See attachment: [General LE retention schedule.pdf](#)

### 804.3 CUSTODIAN OF RECORDS AND FOIA COORDINATOR

The Chief of Police shall designate a Custodian of Records and a FOIA coordinator, who may be, but are not required to be, the same person.

The responsibilities of the Custodian of Records include, but are not limited to (MCL 15.234; MCL 15.236):

- (a) Managing the records management system for the Department, including the protection, retention, archiving, release and destruction of department public records.
- (b) Maintaining and updating the department records retention schedule, including:
  1. Identifying the minimum length of time the Department must keep records.
  2. Identifying the department division responsible for the original record.
- (c) Establishing procedures and guidelines regarding the inspection, copying and protection of department public records.
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring the availability of a current schedule of fees for public records as allowed by law.
- (g) Preparing a written public summary of the specific procedures and guidelines that includes how to submit a written request, explaining the department written responses, deposit requirements, fee calculations and avenues for challenge and appeal. The

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Records Maintenance and Release*

---

summary shall be posted on the department website, available free to the public upon request and in the department response to a written request.

- (a) The link to the department website may be provided in the written response instead of providing paper copies.

The responsibilities for the FOIA Coordinator include, but are not limited to (MCL 15.231 to MCL 15.246):

- (a) In conjunction with the Investigative Services Division Commander, ensuring that the Department is in compliance with and reviewing interpreting, and applying federal and state FOIA laws, regulations, and policies.
- (b) Overseeing the processing of FOIA requests and ensuring that responses to FOIA requests comply with applicable laws and that regulations are appropriately addressed; resolving problems and questions related to FOIA.
- (c) Assisting the Investigative Services Division Commander in completing the responsibility of reviewing, approving, and signing all FOIA determination letters.

[Procedure Manual: 804 Records Maintenance and Release](#)

#### **804.5 PROCESSING REQUESTS FOR PUBLIC RECORDS**

Any department member who receives a request for any record shall route the request to the Records Supervisor, FOIA Coordinator or the authorized designee.

##### **804.5.1 ARREST RECORDS CHECK, REQUESTS FOR RECORDS FROM OTHER LAW ENFORCEMENT, CITY DEPARTMENTS AND ELECTED OFFICIALS**

A request for these records are separate of a FOIA request and may be obtained for special circumstances on an individual. A request shall be made in writing as outlined in the Records Maintenance and Release procedure.

##### **804.5.2 FOIA REQUESTS FOR RECORDS**

The processing of requests for any record is subject to the following (MCL 15.233):

- (a) Requests for public information or records shall be made in writing which can be delivered in person, by first-class mail, facsimile, email, or other forms of electronic transmission.
- (b) A request is considered received one business day after the electronic transmission is made. However, if a written request is sent by electronic mail and it is delivered to spam/junk, the request is not received until one day after the public body becomes aware of the written request.
- (c) The Department is not required to create records that do not exist.
- (d) The Department is not required to make a compilation, summary, or report of information.
- (e) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released (MCL 15.244).

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Records Maintenance and Release*

---

- (a) A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
- (f) A response to a written request for inspection or copies of a public record shall be made within five business days after receiving the request by (MCL 15.235):
  - 1. Granting the request.
  - 2. Written notice denying the request.
  - 3. Granting the request in part and providing written notice denying the request in part.
  - 4. Providing written notice extending the response time for not more than 10 business days.
    - (a) Only one notice of extension by the Department shall be issued for a particular request. The notice shall specify the reasons for the extension and the date by which the Department shall do one of the following:
      - 1. Grant the request.
      - 2. Provide written notice denying the request.
      - 3. Grant the request in part and provide written notice denying the request in part.
- (g) Responses may be emailed, faxed, or mailed first-class, with the consent of the requester.
- (h) A certified copy of a public record shall be furnished upon written request.
- (i) A requester has a right to subscribe to future issuances of a public record that is created, issued, or disseminated on a regular basis. The subscription shall be valid for up to six months at the request of the requester and shall be renewable.
- (j) All written requests for public records shall be kept on file for a minimum of one year.

#### 804.5.3 FOIA DENIALS

The written denial of a request for information or records in whole or in part is a final determination to deny the request or a portion of the request. The Custodian of Records or FOIA Coordinator is responsible for the denial and shall sign the written notice. The written notice shall contain (MCL 15.235):

- (a) An explanation of the basis under FOIA or other statute for the determination that the public record is exempt from disclosure.
- (b) A certificate that the public record does not exist under the name given by the requester or by another name reasonably known to the Department.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Records Maintenance and Release*

---

- (c) A description of the public record or information on a public record that is separated or deleted, if made.
- (d) A full explanation of the requester's right to:
  - 1. Submit to the Chief of Police a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the disclosure denial.
  - 2. Seek judicial review of the denial under MCL 15.240.
- (e) Notice of the right to receive attorneys' fees and damages as provided in MCL 15.240 after judicial review if the court has determined the Department had not complied with the request and orders disclosure of all or a portion of a public record.

A failure to provide a response constitutes a final determination to deny the request.

#### **804.5.4 FOIA APPEALS**

If the Department receives a written appeal directed to the Chief of Police from the requester, it shall be immediately forwarded to the Chief of Police, Custodian of Records and FOIA Coordinator for review. Within 10 business days of receiving the appeal, the Chief of Police shall do one of the following (MCL 15.240):

- (a) Reverse the disclosure denial.
- (b) Issue a written notice to the requester upholding the disclosure denial.
- (c) Reverse the disclosure denial in part and provide written notice to the requester upholding the disclosure denial in part.
- (d) Only in unusual circumstances, provide a notice extending for not more than 10 business days, the period that the Chief of Police shall respond to the written appeal.
  - 1. Only one notice of extension by the Department shall be issued for a particular appeal.

If the Department receives an appeal commenced as a civil action filed in court, the appeal shall be forwarded to legal counsel for the Department.

#### **804.6 RELEASE RESTRICTIONS**

Examples of release restrictions include, but are not limited to (MCL 15.243):

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address and telephone number; and medical or disability information that is contained in any driver's license record, motor vehicle record or any department record, including traffic accident reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- (b) Information of a personal nature if public disclosure would constitute a clearly unwarranted invasion of an individual's privacy.
- (c) Information or records that would disclose a Social Security number.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Records Maintenance and Release*

---

- (d) Investigating records, including an audio or video recording from a body-worn camera, compiled or recorded for law enforcement purposes, to the extent disclosure would do any of the following (MCL 780.315):
  - 1. Interfere with a law enforcement proceeding.
  - 2. Deprive a person of the right to a fair trial or impartial administrative adjudication.
  - 3. Constitute an unwarranted invasion of person privacy.
  - 4. Disclose the identity of a confidential source or confidential information furnished by a confidential source if contained in a record compiled by law enforcement in a criminal investigation.
  - 5. Disclose law enforcement investigative techniques or procedures.
  - 6. Endanger the life or physical safety of law enforcement personnel.
- (e) Unless public interest in disclosure outweighs the public interest in nondisclosure, records of the Department that do any of the following:
  - 1. Identify or provide a means of identifying an informant.
  - 2. Identify or provide a means of identifying an undercover officer or plainclothes officer.
  - 3. Disclose the personal address or telephone number of an active or retired member or a special skill the member may have.
  - 4. Disclose the name, address or telephone numbers of family members, relatives, children or parents of active or retired members.
  - 5. Disclose operational instructions for members.
  - 6. Reveal the contents of staff manuals.
  - 7. Endanger the life or safety of members, their families, relatives, children parents or those who furnish information to the Department.
  - 8. Identify or prove a means of identifying a person as a law enforcement officer or informant.
  - 9. Discloses personnel records of members.
  - 10. Identify or provide a means of identifying residences that the Department is requested to check in the absence of the owner or tenant.
- (f) An involuntary statement made by an officer unless an applicable circumstance by MCL 15.395 allows for disclosure (MCL 15.395).
- (g) Records that if disclosed would prejudice the ability to maintain the physical security of custodial or penal institutions occupied by persons arrested or convicted of a crime, or admitted because of a mental disability, unless public interest in disclosure outweighs the public interest in nondisclosure.
- (h) Records of law enforcement communication codes, or plans for deployment of law enforcement personnel, where disclosure would prejudice the department ability to

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Records Maintenance and Release*

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protect the public safety unless public interest in disclosure outweighs the public interest in nondisclosure in the particular interest.

- (i) Records of the department security measures.
- (j) Confidential victim information, including what may be contained in audio or video from body-worn cameras (MCL 780.758; MCL 780.313; MCL 780.315).
- (k) Certain types of reports involving, but not limited to, child abuse (MCL 722.628).
- (l) Internal communications and notes within the Department or between the City of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to a final agency determination of policy or action.
- (m) Information or records subject to the attorney-client privilege.
- (n) Body-worn camera recordings made where an individual may reasonably expect to be safe from casual or hostile intrusion or surveillance (no public access) unless excepted by MCL 780.314 (MCL 780.312; MCL 780.313).
- (o) Any other records or information specifically described and exempted from disclosure by statute.

#### **804.7 SUBPOENAS AND DISCOVERY REQUESTS**

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records or FOIA coordinator for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the Prosecuting Attorney, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

#### **804.8 SECURITY BREACHES**

Members who become aware that any Traverse City Police Department record system may have been breached should notify the Records Supervisor as soon as practicable. The Records Supervisor shall notify the Chief of Police as soon as practicable of the security breach. Once a breach of security is discovered, the Records Supervisor should ensure that an immediate audit of the Traverse City Police Department central records system is conducted.

#### **804.9 EXPUNGEMENT**

Expungement orders received by the Department shall be reviewed for appropriate action by the Records Supervisor. The Records Supervisor shall expunge such records as ordered by the court. Records may include, but are not limited to, a record of arrest, investigation, detention or conviction. Once a record is expunged, members shall respond to any inquiry as though the record did not exist.

# Traverse City Police Department

TCPD Policy Manual

TCPD Policy Manual

## *Records Maintenance and Release*

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### **804.10 RECORDS AND FOIA ANALYSIS REPORT**

At least annually, the Investigative Services Division Commander, in conjunction with the Custodian of Records and FOIA Coordinator, should prepare an analysis report on the records system and FOIA process. The report should be submitted to the Chief of Police.

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## Protected Information

### 805.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Traverse City Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

#### 805.1.1 DEFINITIONS

Definitions related to this policy include:

**Protected information** - Any information or data that is collected, stored or accessed by members of the Traverse City Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

### 805.2 POLICY

Members of the Traverse City Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

### 805.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Secretary of State (SOS) records, and Michigan Law Enforcement Information Network (LEIN).
- (b) Developing, disseminating, and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating, and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release, and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

[Procedure Manual: 805 Protected Information](#)



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Protected Information*

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##### **805.4 ACCESS TO PROTECTED INFORMATION**

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Traverse City Police Department policy, or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check and fingerprinting, may access protected information, and only when the member has a legitimate work-related reason for such access (MCL 15.654).

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

##### **805.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION**

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Central Records Division to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

Members shall not maintain files supplied by, or supply information to, an interstate law enforcement intelligence organization without consulting with a supervisor to determine whether the organization meets the requirements of MCL 752.2 or MCL 752.3.

Nothing in this policy is intended to prohibit broadcasting warrant information.

##### **805.6 SECURITY OF PROTECTED INFORMATION**

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Developing and maintaining security practices, procedures and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Protected Information*

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- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.
- (d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

#### **805.6.1 MEMBER RESPONSIBILITIES**

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk, in or on an unattended vehicle, in an unlocked desk drawer or file cabinet, on an unattended computer terminal).

#### **805.7 TRAINING**

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

## Animal Control

### 806.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

### 806.2 POLICY

It is the policy of the Traverse City Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

### 806.3 ANIMAL CONTROL RESPONSIBILITIES

Animal control services are generally the primary responsibility of Animal Control and include the following:

- (a) Animal-related matters during periods when Animal Control is available.
- (b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that Animal Control is available for investigation and resolution.
- (c) Follow-up on animal-related calls, such as locating owners of injured animals.
- (d) Criminal complaints.
- (e) Vicious animals.
- (f) Animal neglect and cruelty.

Animal Control officers who are not police officers and who have not previously served at least three years as an Animal Control officer, must complete, in addition to requirements for physical, educational, mental and moral fitness, a minimum 100-hour training course prescribed by the Department of Agriculture and Rural Development (MCL 287.289b). State requirements for training and record keeping for Animal Control Officers will be administered and maintained by the Grand Traverse County Health Department. The Traverse City Police Department is not responsible for training of Animal Control Officers and maintaining records for Animal Control Officers.

### 806.4 OFFICER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture or pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance and/or equipment. After the member has gathered the facts, they will determine if there is a need for Grand Traverse County Animal Control to respond.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Animal Control*

---

Members may consider acting before the arrival of such assistance when:

- (a) There is a threat to public safety.
- (b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.
- (c) An animal is creating a traffic hazard.
- (d) An animal is seriously injured.
- (e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.
  - 1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
  - 2. With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
  - 3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

#### **806.4.1 SEIZURE OF ANIMALS AND FOWL**

The animals and fowl kept by, and in the custody of, a person arrested for a violation of Chapter IX which were held or used for the purpose of violating Chapter IX of the Michigan Penal Code shall be seized and immediately delivered to the appropriate poundmaster (MCL 750.53).

#### **806.5 ANIMAL CRUELTY COMPLAINTS**

Laws relating to the cruelty to animals should be enforced, including, but not limited to, those found in Chapter IX of the Michigan Penal Code, entitled Animals (MCL 750.49 et seq.).

- (a) An investigation should be conducted on all reports of animal cruelty.
- (b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty. This includes animals in distress from heat related issues; i.e. animals left in vehicles during times of high heat (hot dogs), animals tied, chained, or left outdoors with no access to food, water, shelter, or shade.
- (c) Officers who have reasonable cause to believe a person is in violation of Chapter IX of the Michigan Penal Code may arrest the person and hold without warrant (MCL 750.53). An arrest without a warrant will only be made under the most severe circumstances and only after the case has been reviewed by the PAO and Patrol Sergeant. Review of the case can be done by telephone or in person.
- (d) Animal cruelty/neglect complaints will be sent to the PAO along with a warrant request for charges.

#### **806.6 ANIMAL BITE REPORTS**

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Animal Control*

---

have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

(a) Animal quarantine after a bite:

1. Animal Control will determine if an animal will be quarantined after a bite.
2. Quarantine is typically a 10 day period in the home of the owner (if known).
3. Animals shall be quarantined in an interior room of a building so that if it escapes it is still confined within the building.
4. Animals shall be on a leash if/when taken outside the building and in full control of their caretaker.
5. Caretakers shall check the animal daily for signs of illness and contact their veterinarian and the communicable disease office if they observe anything abnormal.

#### **806.7 STRAY DOGS**

If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate shelter/holding pen.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

#### **806.8 DANGEROUS ANIMALS**

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Shift Commander will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

#### **806.9 PUBLIC NUISANCE CALLS RELATING TO ANIMALS**

Members should diligently address calls related to nuisance animals (e.g., barking dogs), because such calls may involve significant quality-of-life issues.

#### **806.10 DECEASED ANIMALS**

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Deceased animals on public property should be removed, sealed in a plastic bag and properly disposed of by the responding member.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

#### **806.11 INJURED ANIMALS**

When a member becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact an owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a designated animal care facility.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Animal Control*

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##### **806.12 DESTRUCTION OF ANIMALS**

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.

##### **806.13 REPORTS**

All police reports that deal with animals will be copied to Animal Control.

- (a) Complaints going to the PAO will require a full dictated report and warrant request.
- (b) Complaints not going to the PAO will be done on the current Non-Criminal Complaint form.

##### **806.14 ANIMAL SURRENDER AGREEMENT**

An Animal Surrender Agreement form will only be completed by Animal Control. If the Traverse City Police Department is submitting a report to the PAO for charges and a surrender agreement was completed by Animal Control for this complaint, a copy of the surrender agreement will be attached to the original report. A Dog Surrender Behavior Evaluation form will only be completed by Animal Control.

## Jeanne Clery Campus Security Act

### 807.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure this department fulfills its obligation in complying with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

### 807.2 POLICY

The Traverse City Police Department encourages accurate and prompt reporting of all crimes and takes all such reports seriously (20 USC § 1092(f)(1)(C)(iii)). Reports will be accepted in any manner, including in person or in writing, at any Traverse City Police Department facility. Reports will be accepted anonymously, by phone, via email or on the institution's website.

It is the policy of the Traverse City Police Department to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the Traverse City Police Department and the administration of the institution.

Supervisors who are assigned areas of responsibility in the following policy sections are expected to be familiar with the subsections of 20 USC § 1092(f) and 34 CFR 668.46 that are relevant to their responsibilities.

### 807.3 POLICY, PROCEDURE AND PROGRAM DEVELOPMENT

The Chief of Police will:

- (a) Ensure that the Traverse City Police Department establishes procedures for immediate emergency response and evacuation, including the use of electronic and cellular communication, and testing of these procedures (20 USC § 1092(f)(1)(J)(i); 20 USC § 1092(f)(1)(J)(iii)).
- (b) Enter into agreements as appropriate with local law enforcement agencies to:
  1. Identify roles in the investigation of alleged criminal offenses on campus (20 USC § 1092(f)(1)(C)(ii)).
  2. Assist in the monitoring and reporting of criminal activity at off-campus student organizations that are recognized by the institution and engaged in by students attending the institution, including student organizations with off-campus housing facilities (20 USC § 1092(f)(1)(G)).
  3. Ensure coordination of emergency response and evacuation procedures, including procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation (20 USC § 1092(f)(1)(J)).
  4. Notify the Traverse City Police Department of criminal offenses reported to local law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)).
  5. Notify the Traverse City Police Department of criminal offenses reported to local law enforcement agencies to assist in making information available to the

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Jeanne Clery Campus Security Act*

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campus community in a timely manner and to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).

- (c) Appoint a designee to develop programs that are designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others (20 USC § 1092(f)(1)(D)).
- (d) Appoint a designee to develop programs to inform students and employees about the prevention of crime (20 USC § 1092(f)(1)(E)).
- (e) Appoint a designee to develop educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault and stalking, and what to do if an offense occurs, including, but not limited to, who should be contacted, the importance of preserving evidence and to whom the alleged offense should be reported (20 USC § 1092(f)(8)(B)). The designee shall also develop written materials to be distributed to reporting persons that explain the rights and options provided for under 20 USC § 1092 (20 USC § 1092(f)(8)(C)).
- (f) Appoint a designee to make the appropriate notifications to institution staff regarding missing person investigations in order to ensure that the institution complies with the requirements of 34 CFR 668.46(h).

#### **807.4 RECORDS COLLECTION AND RETENTION**

The Records Supervisor is responsible for maintaining Traverse City Police Department statistics and making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)). The statistics shall be compiled as follows:

- (a) Statistics concerning the occurrence of the following criminal offenses reported to this department or to local police agencies that occurred on campus, in or on non-campus buildings or property, and on public property including streets, sidewalks and parking facilities within the campus or immediately adjacent to and accessible from the campus (20 USC § 1092(f)(1)(F)(i)); 34 CFR 668.46(c):
  - 1. Murder
  - 2. Sex offenses, forcible or non-forcible
  - 3. Robbery
  - 4. Aggravated assault
  - 5. Burglary
  - 6. Motor vehicle theft
  - 7. Manslaughter
  - 8. Arson
  - 9. Arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations and weapons possession



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Jeanne Clery Campus Security Act*

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10. Dating violence, domestic violence and stalking
  - (b) Statistics concerning the crimes described in the section above, theft, simple assault, intimidation, destruction, damage or vandalism of property, and other crimes involving bodily injury to any person where the victim was intentionally selected because of his/her actual or perceived race, sex, religion, gender, gender identity, sexual orientation, ethnicity or disability. These statistics should be collected and reported according to the category of prejudice (20 USC § 1092(f)(1)(F)(ii); 34 CFR 668.46(c)).
  - (c) The statistics shall be compiled using the definitions in the FBI's Uniform Crime Reporting (UCR) system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092(f)(7); 34 CFR 668.46(c)(9)). For the offenses of domestic violence, dating violence and stalking, such statistics shall be compiled in accordance with the definitions used in the Violence Against Women Act (20 USC § 1092(f)(7); 34 USC § 12291; 34 CFR 668.46(a)). The statistics will be categorized separately as offenses that occur (20 USC § 1092(f)(12); 34 CFR 668.46(c)(5)):
    1. On campus.
    2. In or on a non-campus building or property.
    3. On public property.
    4. In dormitories or other on-campus, residential or student facilities.
  - (d) Statistics will be included by the calendar year in which the crime was reported to the Traverse City Police Department (34 CFR 668.46(c)(3)).
  - (e) Stalking offenses will include a statistic for each year in which the stalking conduct is reported and will be recorded as occurring either at the first location where the stalking occurred or the location where the victim became aware of the conduct (34 CFR 668.46(c)(6)).
  - (f) Statistics will include the three most recent calendar years (20 USC § 1092(f)(1)(F); 34 CFR 668.46(c)).
  - (g) The statistics shall not identify victims of crimes or persons accused of crimes (20 USC § 1092(f)(7)).

#### 807.4.1 CRIME LOG

The Records Supervisor is responsible for ensuring a daily crime log is created and maintained as follows (20 USC § 1092(f)(4); 34 CFR 668.46(f)):

- (a) The daily crime log will record all crimes reported to the Traverse City Police Department, including the nature, date, time and general location of each crime, and the disposition, if known.
- (b) All log entries shall be made within two business days of the initial report being made to the Department.
- (c) If new information about an entry becomes available, then the new information shall be recorded in the log not later than two business days after the information becomes available to the police department or security department.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Jeanne Clery Campus Security Act*

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- (d) The daily crime log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. Information in the log is not required to be disclosed when:
1. Disclosure of the information is prohibited by law.
  2. Disclosure would jeopardize the confidentiality of the victim.
  3. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, may cause a suspect to flee or evade detection, or could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

#### **807.5 INFORMATION DISSEMINATION**

It is the responsibility of the Investigative Services Captain to ensure that the required Clery Act disclosures are properly forwarded to campus administration and community members in accordance with institution procedures. This includes:

- (a) Procedures for providing emergency notification of crimes or other incidents and evacuations that might represent an imminent threat to the safety of students or employees (20 USC § 1092(f)(3); 34 CFR 668.46(e); 34 CFR 668.46(g)).
- (b) Procedures for notifying the campus community about crimes considered to be a threat to other students and employees in order to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).
- (c) Information necessary for the institution to prepare its annual security report (20 USC § 1092(f)(1); 34 CFR 668.46(b)). This report will include, but is not limited to:
  1. Crime statistics and the policies for preparing the crime statistics.
  2. Crime and emergency reporting procedures, including the responses to such reports.
  3. Policies concerning security of and access to campus facilities.
  4. Crime, dating violence, domestic violence, sexual assault and stalking awareness and prevention programs, including:
    - (a) Procedures victims should follow.
    - (b) Procedures for protecting the confidentiality of victims and other necessary parties.
  5. Enforcement policies related to alcohol and illegal drugs.
  6. Locations where the campus community can obtain information about registered sex offenders.
  7. Emergency response and evacuation procedures.
  8. Missing student notification procedures.

# Traverse City Police Department

TCPD Policy Manual

TCPD Policy Manual

## *Jeanne Clery Campus Security Act*

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9. Information addressing the jurisdiction and authority of campus security including any working relationships and agreements between campus security personnel and both state and local law enforcement agencies.

## Crime Scene Unit

### **808.1 PURPOSE AND SCOPE**

To identify key components of the Crime Scene Unit (CSU) consisting of multiple Crime Scene Investigators (CSIs).

### **808.2 AVAILABILITY**

CSIs, through an on-call basis, are to be available on a twenty-four (24) hour basis to process a crime scene and/or a traffic collision. CSIs are responsible for the processing of all crime scenes unless it is determined that another specialized unit has, or should, respond such as the Michigan State Police Crime Scene Unit.

The CSU Coordinator shall develop and maintain a call out schedule to ensure 24-hour availability for the CSU.

### **808.3 EVIDENCE COLLECTION AND PROCESSING BY THE CSU**

Officers should refer to the Property and Evidence Section for evidence collection and processing information.

### **808.4 TRAINING**

Officers assigned to the CSU are responsible for crime scene processing duties. These officers shall receive appropriate specialized training which shall include:

- (a) Recovery and analysis of latent finger prints and palm prints.
- (b) Recovery of foot, tool and tire impressions.
- (c) Crime scene photography.
- (d) Preparing crime scene sketches.
- (e) Collecting, preserving and transmitting physical evidence (including biological materials).
- (f) Collecting and preservation of DNA evidence.
- (g) Preparation of a crime scene report.

These courses are covered in the training programs as defined by the Michigan State Police Crime Scene Investigator training; both Basic and Advanced programs.

### **808.5 ANNUAL REPORT**

The Investigative Services Division Commander in conjunction with the CSU Coordinator should complete an annual report to the Chief of Police concerning the CSU program.

## Police Social Worker Coordinator

### 809.1 PURPOSE AND SCOPE

The purpose of this policy is to identify the role of and establish guidelines for the Police Social Worker Coordinator (PSW).

The Traverse City Police Department Police Social Worker Coordinator (PSW) is a Licensed Social Worker employed by and embedded into the Department in a civilian capacity. The goal of this position is to reduce law enforcement interactions with vulnerable persons who are experiencing crises related to substance use, mental health and/or homelessness by creating referrals to community agencies and promoting wrap-around services through the Quick Response Team (QRT).

The PSW maintains confidential records on clients that are not shared with the sworn personnel of the police department unless there is risk of imminent harm to any individual.

### 809.2 DEFINITIONS

**Quick Response Team (QRT)** – "An interdisciplinary collaborative and systemic community response to prevent opioids and respond to subsequent opioids by connecting individuals with critical substance use disorder services following an overdose," as defined by the Comprehensive Opioid, Stimulant, and Substance Use Program (COSSUP) program. See QRT Policy 810.

**Police Social Worker Coordinator (PSW)** – The Police Social Worker Coordinator is a Licensed Social Worker employed by and embedded into the Traverse City Police Department who functions as a coordinator to connect individuals to services, with the goal of reducing emergency calls concerning vulnerable populations for the department's law enforcement officers.

**Vulnerable Populations** – Individuals who are experiencing crises related to substance use, mental health and homelessness.

**Casebook** – Secure and confidential software program used by the PSW to maintain records for confidentiality of information for QRT Program Participants and statistical analysis. Access to this software is restricted to the PSW and civilian auditor except for non-identifiable statistical data and program audits.

**Program Participant** – An individual deemed "accepted into the QRT" who meets the criteria for the QRT and elects to participate in the QRT program.

**Overdose Response Team (ORT)** – Team of up to four (4) persons including the PSW, (1) Member from the Traverse City Police Department Crime Prevention Unit, agency representative from Addiction Treatment Services, and a Peer Recovery Coach, who responds to overdoses within 24-72 hours.

**"Wrap-Around Services"** – Collaborations between QRT members and other Traverse City area community agencies and organizations that provide support related to substance use, mental

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Police Social Worker Coordinator*

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health, homelessness, basic needs and/or healthcare, with the goal of effective coordination of individuals and connections to community resources.

**Naloxone (brand names Narcan<sup>®</sup>, Kloxxado<sup>®</sup>)** – A life-saving medication used to rapidly reverse opioid overdoses by attaching to opioid receptors in the brain. Examples of opioids include heroin, fentanyl, oxycodone (OxyContin<sup>®</sup>), hydrocodone (Vicodin<sup>®</sup>), codeine, and morphine. Naloxone "has no effect on someone who does not have opioids in their system" per the National Institute of Health.

**Follow Up** – For the purposes of this policy, follow up refers to PSW contact to individuals following a referral for services or connection to treatment.

#### **809.3 SCOPE OF PRACTICE**

The PSW is intended to function as a liaison between law enforcement and the community to connect individuals to treatment and reduce repeat calls for Department law enforcement officers related to individuals in crisis.

- (a) PSW is not intended to be a case manager or provide long-term, direct treatment to any individual.
- (b) For individuals involved with the QRT, PSW will provide basic periodic check ins and other requirements pursuant to the QRT Procedure. Advanced need for case management or therapy will be referred elsewhere.

#### **809.4 RESPONSIBILITIES**

The PSW is a Member of the Social Services Division of the Traverse City Police Department. Under the general administrative direction of the Chief of Police, the PSW will directly report to the Captain of the Patrol Services Division.

The responsibilities of the PSW include, but are not limited to:

- (a) Act as a liaison between the police department and the community, by
  - (a) Providing follow up on individuals who have been referred to the QRT, with the goal of reducing future encounters with law enforcement.
  - (b) Providing training for officers, community agencies and the public related to Naloxone, mental health and officer wellness.
  - (c) Coordinating social work services on behalf of the department, and externally between the department, individuals needing assistance, and QRT partners in the community. While not an all-encompassing list, some of the partners include:

GWNMI – Goodwill Northern Michigan

ATS – Addiction Treatment Services

Safe Harbor Representative

NLCMH – Northern Lakes Community Mental Health and Jail Diversion Program

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Police Social Worker Coordinator*

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Traverse Health Clinic

North Boardman Community Police Officer, Traverse City Police Department

Crime Prevention Officer, Traverse City Police Department

The full list of QRT partner agencies can be found in the QRT Policy.

- (b) Establish and lead the Quick Response Team (QRT) (see the QRT policy).
  - (a) Facilitate QRT meetings
  - (b) Provide summary of recent overdose and response report
  - (c) Maintain QRT contacts
- (c) Follow up with 100% of individuals referred to the QRT per QRT admission procedure.
  - (a) Not share the source of the referral for any individuals who request this on the QRT referral form.
  - (b) Screen individuals for appropriateness into the QRT using the established protocol.
  - (c) Inform individuals who do not meet the criteria for the QRT and provide a "simple assist" by trying to connect them with at least one other agency that meets the requested need in the referral.
- (d) Assist individuals who meet the criteria and would like to participate in the program in completing forms to become a Program Participant of the QRT.
  - (a) If an individual has left any portion of any Program Participant form blank, PSW will clarify with the individual to see if they intentionally left the question blank and reiterate the confidentiality portion of this policy.
  - (b) Forms should be reviewed by the PSW if any other agency has assisted in form completion with the Program Participant.
  - (c) If an individual needs help with completing the forms, PSW will write participant's verbal answers upon request. If they do not speak English, forms should be interpreted to them in a language they can understand by a certified interpreter.
- (e) Follow up with QRT Program Participants in a coordinator capacity, assisting them in obtaining community resources. The PSW will:
  - (a) Make contact at least every three months to Program Participants to check on current status and need for wrap around services.
- (f) Participate in the QRT Overdose Response Team by actively engaging in post-overdose follow up with individuals who have overdosed per QRT Policy.
- (g) Establish Memorandums of Understanding (MOUs) and secondary partnership agreements with community agencies for the purposes of referrals and information sharing related to overdose response and prevention and the encouragement of wrap-around services.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Police Social Worker Coordinator*

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- (h) Connect individuals to resources when requested by an officer or any member of the QRT.
  - (a) Use information known, i.e. Medicaid number, to examine eligibility for programs.
  - (b) Provide basic community referrals for citizens and community agencies.
- (i) Develop and maintain a working referral network to proactively assist with vulnerable populations.
  - (a) Provide community resources pamphlet to officers and regularly update community service engagement procedures for officers.
  - (b) Biannually update community resource pamphlet for changes in schedule of free meals, new numbers and locations.
- (j) Assist in community distribution, training, and tracking of Naloxone.
- (k) Create Naloxone kits for dispersal.
- (l) Submit monthly activity and annual reports as required by position-funded grant(s) and by the Chief of Police.
- (m) Create and track performance measurements through the collection of police and PSW data systems.

#### **809.5 CONFIDENTIALITY**

PSW agrees to maintain confidential information in compliance with the NASW Social Worker Code of Ethics, HIPAA, 42 CFR Part 2. PSW will utilize the guidelines put forth in the U.S. Department of Justice Bureau of Justice Assistance document entitled "Information Sharing in Criminal Justice-Mental Health Collaborations: Working with HIPAA and Other Privacy Laws" to exercise discretion in obtaining and sharing information for the purpose of care coordination.

With a client's written or verbal consent, PSW will seek to obtain information from law enforcement as well as relevant medical, financial, and historical information and community resource involvement for the purpose of connecting an individual to necessary treatment/support for mental health, substance use or homelessness. Information shared will be limited to only the amount of information needed to accomplish the purpose for which disclosure is made, including coordination of care, connection to treatment, or referrals.

Without a client's consent, individuals can still make a referral to the QRT and PSW will provide follow up and limited support. PSW will attempt to gain individual's consent at the soonest opportunity. PSW may ask law enforcement and QRT members to provide relevant information prior to consent to determine eligibility for treatment or address an emergency. This information will not be released outside the purpose of care coordination.

The PSW maintains the confidentiality of all information shared by individuals and members of the QRT from the police force unless there is threat of harm to any individual, as defined in 24 CFR § 5.2003. PSW will indicate to law enforcement whether or not an individual has received follow up, been connected to treatment, and/or is a QRT Program Participant. Specific information regarding treatment within the QRT will not be shared without consent.



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Police Social Worker Coordinator*

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Information obtained by the PSW will not be used to aid law enforcement in finding a suspect of a crime unless there is imminent harm to any person. This information includes an individual's location, or information related to demographics, health, legal, substance use, mental health, homelessness, or community agency involvement.

When providing support in relation for an overdose, information shared with PSW will be used to provide direct follow up support from the ORT.

- (a) All follow up with individuals from the Overdose Response Team shall remain confidential and not be shared with anyone unless there is an imminent threat of harm to any individual.
- (b) Demographic and personal (identifiable) information will not be shared outside of this purpose.
- (c) Non-identifiable data will be used to track overdoses and overdose support provided to assess the benefit of the QRT program.

PSW will maintain the confidentiality of personal and professional information shared by an officer unless there is a risk of harm to any individual.

PSW is a mandated reporter and must report any instances of suspected abuse or neglect to Child Protective Services or Adult Protective Services.

With regard to Freedom of Information Act (FOIA) Requests, whereas the Traverse City Police Department is required by MCL 15.231 et seq. to release any records obtained by the City, the Traverse City Police Department will share only the minimum information required to satisfy the purpose of the inquiry. Per MCL 15.243(1)(l) and 45 CFR 160.103, medical, counseling or psychological information, including protected health information, concerning an individual is exempt from FOIA disclosure.

#### **809.6 MAINTAINING RECORDS**

The PSW will collect and maintain accurate and confidential records on all QRT Program Participants and individuals referred to the QRT. This data will be managed using Casebook, a secure and confidential software program.

[See Procedure Manual: 809 Police Social Worker Coordinator](#)

#### **809.7 FIELD RESPONSE**

The PSW will be limited in involvement for direct intervention in the field. Involvement in the field will relate to connecting vulnerable populations with community resources.

- (a) PSW will respond with an officer for all emergent field interventions.
- (b) For individuals who may be uncomfortable with officer presence, the officer has discretion to give distance to PSW and individual. Officer will always be in eyesight or earshot of PSW.
- (c) PSW may provide follow up with agency staff in a controlled setting without an officer.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Police Social Worker Coordinator*

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PSW may engage with Program Participants in a controlled setting without an officer at the discretion of the Chief of Police.

#### **809.8 PSW AVAILABILITY**

PSW availability is updated regularly and posted in the Department-maintained schedule.

All communication shall involve PSW work phone. PSW will respond promptly to email and phone communication during scheduled hours. When PSW is unavailable, QRT referrals can be made using the referral form available online or by email, text or phone. The PSW should be alerted as soon as practicable about any overdose in the community to properly enact the QRT Overdose Response Team. If PSW is unavailable for an extended amount of time, QRT facilitation and overdose response procedures will be discussed and adjusted as necessary within the QRT team of primary and secondary members.

## Quick Response Team

### 810.1 PURPOSE AND SCOPE

This policy provides guidelines for the Traverse City Police Department Quick Response Team.

### 810.2 DEFINITIONS

Definitions related to this policy include:

**Quick Response Team (QRT)**– "An interdisciplinary collaborative and systemic community response to prevent opioids and respond to subsequent opioids by connecting individuals with critical substance use disorder services following an overdose," as defined by the Comprehensive Opioid, Stimulant, and Substance Use Program (COSSUP) program.

**Police Social Worker Coordinator (PSW)** – The Police Social Worker Coordinator is a Licensed Social Worker employed by and embedded into the Traverse City Police Department who functions as a coordinator to connect individuals to services, with the goal of reducing emergency calls concerning vulnerable populations for the department's law enforcement officers.

**Vulnerable Populations** – Individuals who are experiencing crises related to substance use, mental health and homelessness.

**Primary QRT Member** – A participating member of the QRT who, through partnership agreement established with the Traverse City Police Department, is expected to regularly attend QRT meetings and has full access to information, including confidential client information for Program Participants. Primary QRT members are expected to maintain client confidentiality per the Consent to Share Information release form, only sharing information with primary and secondary QRT members for the purposes of care coordination when appropriate. Primary QRT members include the Traverse City Police Department Police Social Worker, Addiction Treatment Services, Goodwill Northern Michigan, Safe Harbor, Northern Lakes Community Mental Health and Jail Diversion Program, and Traverse Health Clinic.

**Secondary QRT Member** – A supporting member of the QRT who, through informal written partnership agreement established with the Traverse City Police Department, is not expected to regularly attend meetings but may provide support in other ways, through referrals, naloxone and overdose tracking, training, and by connecting QRT participants to community resources. Secondary QRT members are able to report to the QRT any relevant and confidential details for coordination of care, but are asked to leave during the confidential portion of the QRT meetings for the confidentiality of all participants.

**Casebook** – Secure and confidential software program used by the PSW to maintain records for confidentiality of information for QRT Program Participants and statistical analysis. Access to this software is restricted to the PSW and civilian auditor except for non-identifiable statistical data and program audits.

**Program Participant** – An individual deemed "accepted into the QRT" who meets the criteria for the QRT and elects to participate in the QRT program.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Quick Response Team*

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**Overdose Response Team (ORT)** – Team of up to four (4) persons including the PSW, (1) Member from the Traverse City Police Department Crime Prevention Unit, agency representative from Addiction Treatment Services, and a Peer Recovery Coach, who responds to overdoses within 24-72 hours.

**Gaps in Service Provision ("Potholes")** – Systemic issues identified during QRT meetings that the QRT hopes to fill with policy changes and increased community resources.

**"Wrap-Around Services"** – Collaborations between QRT members and other Traverse City area community agencies and organizations that provide support related to substance use, mental health, homelessness, basic needs and/or healthcare, to effectively coordinate individuals and their connections to community resources.

**Naloxone (brand names Narcan<sup>®</sup>, Kloxxado<sup>®</sup>)** – a life-saving medication used to rapidly reverse opioid overdoses by attaching to opioid receptors in the brain. Examples of opioids include heroin, fentanyl, oxycodone (OxyContin<sup>®</sup>), hydrocodone (Vicodin<sup>®</sup>), codeine, and morphine. Naloxone "has no effect on someone who does not have opioids in their system" per the National Institutes of Health.

**Memorandum of Understanding (MOU)** – An agreement to collaborate in an ongoing partnership, signed by the Traverse City Police Department and a community agency.

**Warm Hand Off** – In person conversation between Traverse City Police Officer and treatment agency representative, in which TCPD observes contact between individual and treatment worker, and shares relevant information to the workers at treatment in front of the individual for transparency and coordination of care.

### **810.3 POLICY**

The Traverse City Police Department will implement the Quick Response Team to support individuals at risk for, and following, overdose.

The QRT Program is a Traverse City Police Department-led initiative that focuses on overdose prevention and response by supporting the city's most vulnerable people (including those experiencing crises related to substance use, mental health and homelessness) through wrap-around services and exploring how to limit gaps in service provisions between community services.

The QRT will include:

- (a) Quick identification of resources and shortcomings of community supports for Vulnerable Populations;
- (b) Response to overdoses in the community, connecting people to treatment; and
- (c) Team members who discuss needs of individuals to promote wrap-around community services.

**Mission Statement:** The Traverse City Police Department QRT will implement Quick support to individuals at risk for, and following, overdose. Due to the correlation between substance misuse, mental health and homelessness, the QRT will also address (Respond to) the systemic barriers to

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Quick Response Team*

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recovery by examining gaps in local social service provisions and supporting wrap-around services for vulnerable populations in the Traverse City community.

#### **810.4 REFERRAL TO QRT**

Traverse City Police Department member, QRT agency representative, community agency member, or any community representative may complete a referral to QRT by email, text, word of mouth or submission of QRT Referral Form to Police Social Worker (PSW).

1. QRT Referral Form

- (a) The QRT Referral Form should be completed for any individual referred to the Quick Response Team. If initial referral is made via any other method than QRT referral form, PSW will complete the referral form and/or enter referral information into Casebook or similar case management tracking software for Individual interactions and data tracking for the QRT.

[See Procedure Manual: 810 Quick Response Team](#)

#### **810.5 ADMISSION INTO QRT**

Traverse City Police Department Police Social Worker (PSW) will follow up with 100% of all referrals to QRT. For urgent referrals, including those related to overdose, the PSW will initiate contact within 24-72 hours.

#### **810.6 PARTICIPATION AGREEMENT AND WAIVER FORM**

Participation in the QRT is voluntary and may be revoked at any time. Participation in the QRT refers to willingness for QRT members to discuss participant's care among agencies for the purpose of care coordination.

#### **810.7 CONSENT TO SHARE BEHAVIORAL HEALTH INFORMATION FORM**

The QRT Consent to Share Behavioral Health Information was adapted from the MDHHS Form 5515 of the same name. Content changes include adding "history of homelessness and support in finding permanent housing, including information in the Michigan Statewide Homeless Management Information System (MSHMIS)" as an area for providers to discuss.

The purpose of this form is to allow the Individual to release information to the QRT related to substance use disorder and treatment, mental health disorder and treatment, and history of homelessness and assistance in finding permanent housing. The members of the QRT who will have access to and be able to share information include:

- (a) Traverse City Police Department PSW, pursuant to the confidentiality guidelines stated in the Police Social Worker Coordinator Policy.
- (b) All primary members of the QRT
  - (a) Addiction Treatment Services
  - (b) Northern Lakes Community Mental Health and Jail Diversion Program
  - (c) Safe Harbor

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Quick Response Team*

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- (d) Goodwill Northern Michigan
- (e) Traverse Health Clinic
- (c) Additional secondary agencies working with the QRT, if an individual indicates this on section 2 (i.e. Harm Reduction, Catholic Human Services, Father Fred, NMRE, etc.).
- (d) Individuals have the right to exclude any specific agency within the QRT or secondary QRT at their discretion (i.e. Secondary QRT except police).

#### **810.8 INTAKE FORM**

The purpose of the QRT Intake Form is to obtain information about Program Participants in order to connect them most appropriately to community resources and support them in getting wrap-around services. This form asks about demographic information, health and legal history, mental health history, substance use history, history of experiencing homelessness, community supports, and Participant Interview.

This form may be substituted for another agency's intake form if the participant has indicated the consent to share information in the Consent to Share Behavioral Health Information form. The Traverse City Police Department PSW will maintain this Intake Form in Casebook attached to the Individual's Record. This intake may be used in the QRT for the purposes of sharing information and obtaining additional resources, according to the Consent to Share Information that the Participant has completed.

Note that the Traverse City Police Department PSW maintains the confidentiality of information shared by members of the QRT from the police force unless there is threat of imminent harm to any individual. This form is considered protected health information and exempt from Freedom of Information Act requests under MCL 15.243(1)(l) and 45 CFR 160.103.

#### **810.9 BRIEF ADDICTION MONITOR (BAM) SCREENING FORM**

The Brief Addiction Monitor (BAM) screening form is used to assess an individual for Substance Use Disorder and risk of overdose. It was adapted from the VISN 4 MIRECC form of the same name. Content changes include elimination of "participant name" with the added "QRT Participant ID" and "initials."

This form should be completed on any new referral. It is designed to get the individual assistance with treatment related to substance use disorder and to assess them for appropriateness for the Quick Response Team (QRT). Individuals with a history of overdose qualify automatically for acceptance into the QRT.

#### **810.10 QRT OVERDOSE RESPONSE TEAM PROCEDURE**

The Overdose Response Team (ORT) will consist of up to four (4) persons including the Traverse City Police Social Worker (PSW), (1) Member of the Traverse City Police Department Crime Prevention Unit, (1) representative from Addiction Treatment Services, and (1) Peer Recovery Coach.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Quick Response Team*

---

All ORT follow up is intended to seek treatment and support for the individual who has overdosed. This follow up is intended to remain confidential and not be shared with anyone unless there is an imminent threat of harm to any individual. Individuals have a right to meet the ORT for follow up at a safe location of their choosing or via phone.

With regard to Freedom of Information Act (FOIA) Requests, whereas the Traverse City Police Department is required by MCL 15.231 et seq. to release any records obtained by the City, the Traverse City Police Department will share only the minimum information required to satisfy the purpose of the inquiry. Per MCL 15.243(1)(l) and 45 CFR 160.103, medical, counseling or psychological information, including protected health information, concerning an individual is exempt from FOIA disclosure.

#### **810.11 QRT MEETING FORMAT**

The QRT will meet at least monthly. Meetings will be under three hours in length and include introduction, overdose prevention and response, community resources and "potholes" discussion, and a discussion about Program Participants. The QRT Mission, Standards, and Ground Rules will be reviewed at the beginning of each meeting. While the first portion of the meeting is open to primary and secondary QRT members, the discussion of Program Participants is restricted to the primary QRT partners for participant confidentiality. This portion of the meeting is confidential.

#### **810.12 REPORT AN OVERDOSE**

The Department recognizes the importance of the tracking of opioid overdoses for faster response.

##### **810.12.1 RESPONSIBILITIES**

Within the Department, Naloxone utilization and overdose reporting shall continue to be tracked according to Department policy Medical Aid and Response.

The Police Social Worker Coordinator (PSW) shall be made aware of any overdoses as soon as practicable and obtain a copy of the report to enact the Overdose Response Team (ORT), a division of the Quick Response Team (QRT), for overdose response within 24-72 per ORT Procedure.

Report to the PSW should include number of Naloxone doses, date and time administered, who administered, success of administration, and location of administration.

Outside of the Department, the Report an Overdose form can be used by any individual, community-based organization, health care/EMS worker, Law Enforcement, family, friend, co-worker, or the person who has overdosed. It should be completed as soon as possible for overdose/Naloxone utilization. The form can be used in compliance with HIPAA for agencies who are unable to share specific information.

The PSW should be alerted as soon as practicable about any overdose in the community to properly enact the QRT, via phone, email, or text.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Quick Response Team*

---

##### 810.12.2 REPORT AN OVERDOSE FORM

The purpose of this form is to collect data regarding all recent overdoses. It is used for immediate overdose response as part of the QRT and as non-identifiable data tracking of number of overdoses in the community and QRT data. Identifiable portions of this form, if completed by the reporting agency, will remain confidential except for use by the QRT, to follow up on a recent overdose.

##### **810.13 NALOXONE TRACKING**

The Department recognizes the importance of community access to and availability of naloxone by tracking naloxone distribution, the giving of a naloxone kit to another person for them to use during an overdose or in case they need one later.

##### 810.13.1 RESPONSIBILITIES

Within the Department, Naloxone utilization shall continue to be tracked according to Department policy Medical Aid and Response. Naloxone distribution shall be reported to the Police Social Worker Coordinator (PSW) as soon as practicable

Outside of the Department, the Naloxone Tracking form can be used by any individual, community-based organization, health care/EMS worker, Law Enforcement, family, friend, co-worker, or the person who has overdosed. It should be completed monthly for regular Naloxone distribution and as soon as possible if Naloxone is utilized during an overdose. The form can be used in compliance with HIPAA for agencies who are unable to share specific information.

The PSW should be alerted immediately about any overdose in the community to properly enact the QRT, via phone, email, or text.

##### 810.13.2 NALOXONE TRACKING FORM

Remove the words and Overdose from the title above -- it does not show up as an edit here. The purpose of this form is to collect data regarding all distribution of Naloxone kits. It is used for non-identifiable data tracking of number of Naloxone kits in the community and areas in which more Naloxone is needed.

##### **810.14 OFFICER PROTOCOL FOR INDIVIDUALS WANTING IMMEDIATE TREATMENT**

As part of the Traverse City Police Department Quick Response Team (QRT), the Department has established Memorandums of Understanding (MOUs) with community agencies for increased immediate support for individuals seeking treatment for substance use, mental health or homelessness.

See department procedure Quick Response Team for how to seek treatment related to substance use, mental health, and support individuals experiencing homelessness.



## **Chapter 9 - Custody**

## Temporary Custody of Adults

### 900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Traverse City Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

#### 900.1.1 DEFINITIONS

Definitions related to this policy include:

**Holding cell/cell** - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

**Safety checks** - Direct, visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

**Temporary custody** - The period an adult is in custody at the Traverse City Police Department prior to being released or transported to a housing or other type of facility.

### 900.2 POLICY

The Traverse City Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

### 900.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than six hours.

#### 900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Traverse City Police Department, but should be transported to a jail facility, a medical facility or other type of facility as appropriate. These include:

- (a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.
- (b) Any individual who has a medical condition, including pregnancy, that may require medical attention, supervision or medication while in temporary custody.
- (c) Any individual who is seriously injured.
- (d) Individuals who are a suspected suicide risk (see the Civil Commitments Policy) .

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Temporary Custody of Adults*

---

1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or a transfer to an appropriate facility is completed.
  - (e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.
  - (f) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
  - (g) Any individual who has exhibited extremely violent or continuously violent behavior.
  - (h) Any individual who has claimed, is known to be afflicted with or displays symptoms of any communicable disease that poses an unreasonable exposure risk.
  - (i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

#### 900.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability.

At least one female department member should be present when a female adult is in temporary custody. If a member of the same sex is not available, a witnessing member must be present during the length of temporary custody.

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

#### 900.3.3 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

- (a) Authorized members entering for official business purposes.
- (b) Emergency medical personnel when necessary.
- (c) Any other person authorized by the Shift Commander.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Temporary Custody of Adults*

---

#### **900.4 INITIATING TEMPORARY CUSTODY**

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

The receiving officer should ask the arresting officer if there are any statements, indication or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, he/she shall be transported to the County jail or the appropriate mental health facility.

The officer should promptly notify the Shift Commander of any conditions that may warrant immediate medical attention or other appropriate action. The Shift Commander shall determine whether the individual will be immediately released or transported to jail or another facility.

##### **900.4.1 SCREENING AND PLACEMENT**

The officer responsible for an individual in custody shall do the following:

- (a) Advise the Shift Commander of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).
- (b) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.
- (c) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

##### **900.4.2 CONSULAR NOTIFICATION**

Consular notification may be mandatory when certain foreign nationals are arrested. The Patrol Services Division Commander will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

- (a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.
  - 1. This notification should be documented.
- (b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Temporary Custody of Adults*

---

1. If the country is on the mandatory notification list, then:
  - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
  - (b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.
  - (c) Forward any communication from the individual to his/her consular officers without delay.
  - (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
2. If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:
  - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
  - (b) Forward any communication from the individual to his/her consular officers without delay.

## **900.5 SAFETY, HEALTH AND OTHER PROVISIONS**

### 900.5.1 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

- (a) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.
  1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
  2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (b) There is reasonable access to toilets and wash basins.
- (c) There is reasonable access to a drinking fountain or water.
- (d) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (e) There is privacy during attorney visits.
- (f) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (g) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
- (h) Adequate furnishings are available, including suitable chairs or benches.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Temporary Custody of Adults*

---

##### 900.5.2 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members. At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the Traverse City Police Department. They should be released or transferred to another facility as appropriate.

##### 900.5.3 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Shift Commander shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

##### 900.5.4 TELEPHONE CALLS

Individuals in temporary custody should be allowed to complete telephone calls as deemed necessary.

- (a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.
  1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).
- (b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.
  1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.
- (c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

##### 900.5.5 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Temporary Custody of Adults*

---

generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

#### **900.5.6 FIREARMS AND OTHER SECURITY MEASURES**

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

#### **900.6 USE OF RESTRAINT DEVICES**

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Traverse City Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

#### **900.6.1 PREGNANT ADULTS**

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

#### **900.7 PERSONAL PROPERTY**

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (e.g., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Temporary Custody of Adults*

---

Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

The Shift Commander shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Shift Commander shall attempt to prove or disprove the claim.

#### **900.8 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY**

The Patrol Services Division Commander will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Traverse City Police Department. The procedures should include:

- (a) Immediate request for emergency medical assistance if appropriate.
- (b) Immediate notification of the Shift Commander, Chief of Police and Investigative Services Division Commander.
- (c) Notification of the spouse, next of kin or other appropriate person.
- (d) Notification of the appropriate prosecutor.
- (e) Notification of the City Attorney.
- (f) Notification of the Medical Examiner.
- (g) Evidence preservation.

#### **900.9 RELEASE AND/OR TRANSFER**

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

- (a) All proper reports and forms have been completed prior to release.
- (b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.
- (c) It has been confirmed that the correct individual is being released or transported.
- (d) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.
- (e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of his/her property, warrant copies).
- (f) The individual is not permitted in any nonpublic areas of the Traverse City Police Department unless escorted by a member of the Department.



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Temporary Custody of Adults*

---

- (g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.
  - 1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.
- (h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.
- (i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with his/her personal needs as reasonable.

#### **900.10 ASSIGNED ADMINISTRATOR**

The Patrol Services Division Commander will ensure any reasonably necessary supplemental procedures are in place to address the following issues:

- (a) General security
- (b) Key control
- (c) Sanitation and maintenance
- (d) Emergency medical treatment
- (e) Escapes
- (f) Evacuation plans
- (g) Fire and life-safety
- (h) Disaster plans
- (i) Building and safety code compliance

#### **900.11 TRAINING**

Department members should be trained and familiar with this policy and any supplemental procedures.

## Temporary Custody of Juveniles

### 901.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Traverse City Police Department (34 USC § 11133).

#### 901.1.1 DEFINITIONS

Definitions related to this policy include:

**Juvenile non-offender** - An abused, neglected, dependent, or alien juvenile who may be legally held for the juvenile's own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for the juvenile's own protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person. Juveniles 9 years of age or younger are non-offenders.

**Juvenile offender** - A juvenile 17 years of age or younger who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense). It also includes the possession of a handgun by a minor under MCL 28.422 (28 CFR 31.303).

**Non-secure custody** - When a juvenile is held in the presence of an officer or other department member at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication, is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation.

**Safety checks** - Direct visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of juveniles in temporary custody.

**Secure custody** - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object.

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile handcuffed to a rail.
- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (d) A juvenile being processed in a secure booking area when a non-secure booking area is available.
- (e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Temporary Custody of Juveniles*

---

- (f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.
- (g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

**Sight and sound separation** - Located or arranged to prevent physical, visual, or auditory contact.

**Status offender** - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.

#### **901.2 POLICY**

The Traverse City Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and to keeping juveniles safe while in temporary custody at the Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

#### **901.3 JUVENILES WHO SHOULD NOT BE HELD**

Juveniles who exhibit certain behaviors or conditions should not be held at the Traverse City Police Department. These include:

- (a) Unconsciousness or having been unconscious while being taken into custody or transported.
- (b) Serious injuries or a medical condition requiring immediate medical attention.
- (c) A suspected suicide risk or showing obvious signs of severe emotional or mental disturbance (see the Civil Commitments Policy).
  - 1. If the officer taking custody of a juvenile believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or transfer to an appropriate facility is completed.
- (d) Significant intoxication or showing signs of having ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (e) Extremely violent or continuously violent behavior.
- (f) Afflicted with, or displaying symptoms of, a communicable disease that poses an unreasonable exposure risk.

Officers taking custody of a juvenile exhibiting any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and should notify a supervisor of the situation. These juveniles should not be held at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Temporary Custody of Juveniles*

---

#### **901.4 CUSTODY OF JUVENILES**

Officers should take custody of a juvenile and temporarily hold the juvenile at the Traverse City Police Department when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile who is suspected of being a victim.

No juvenile should be held in temporary custody at the Department without authorization of the arresting officer's supervisor or the Shift Commander. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile's parent, legal guardian, or other responsible adult, or transferred to a juvenile custody facility or to other authority as soon as practicable. In no event shall a juvenile be held beyond six hours from the time of his/her entry into the Department (34 USC § 11133).

##### **901.4.1 CUSTODY OF JUVENILE NON-OFFENDERS**

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Traverse City Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (34 USC § 11133).

##### **901.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS**

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (34 USC § 11133).

##### **901.4.3 CUSTODY OF JUVENILE OFFENDERS**

Juvenile offenders should be held in non-secure custody while at the Traverse City Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

An officer lacking a court order may take a juvenile offender into custody provided (MCL 712A.14; MCL 712A.2(h)):

- (a) The juvenile is found violating any law or ordinance.
- (b) There is reasonable cause to believe the juvenile is violating or has violated a personal protection order (PPO) or a valid foreign protection order.

Officers should release a juvenile offender to a parent or guardian on a written promise to appear unless (MCL 712A.14; MCR 3.933):

- (a) There is reason to believe that because of the nature of the offense, the interest of the juvenile or the interest of the public would not be protected by release of the juvenile.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Temporary Custody of Juveniles*

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- (b) A parent, guardian or legal custodian cannot be located or has refused to take custody of the juvenile.

When an officer is unable to, or otherwise does not, release a juvenile offender to a parent or guardian, he/she shall contact a court intake worker as soon as practicable.

Officers should also notify the prosecutor when there is reason to believe that a juvenile offender 14 years of age or older has committed a specified juvenile violation that may authorize the filing of a complaint and warrant as an adult offense under MCL 764.1f.

#### **901.5 ADVISEMENTS**

Officers taking custody of a juvenile offender shall notify the juvenile's parents and the court or the court's representative of the custody as soon as practicable (MCL 764.27; MCR 3.933; MCR 3.934).

#### **901.6 JUVENILE CUSTODY LOGS**

Any time a juvenile is in temporary custody at the Traverse City Police Department, the custody shall be promptly and properly documented by the Officer in Charge on the juvenile custody log form. The form shall remain with the custodial officer of the juvenile in temporary custody.

Completion of the form shall include the following:

- (a) Identifying information about the juvenile.
- (b) Date and time of arrival at the Department.
- (c) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender or non-offender.
- (d) Circumstances that justify any temporary custody.
- (e) Shift Supervisor notification and approval to temporarily hold the juvenile.
- (f) Any medical and other screening requested and completed.
- (g) Any known allergies, dietary restrictions or religious requirements.
- (h) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.
- (i) Time of all safety checks and by whom.
- (j) If food is provided, time and description of what is offered and by whom.
- (k) Time of all personal hygiene activities and name of supervising personnel.
- (l) Any changes in status (e.g., emergency situations, unusual incidents).
- (m) Date and time of release from the Department.
- (n) Name of the person whom the juvenile was released to.

The On-Duty Shift Supervisor shall sign the log form to approve the temporary custody and shall sign the log form when the juvenile is released. The Supervisor authorizing release shall insure that a copy is forwarded to the Investigative Services Division Commander for compliance with

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Temporary Custody of Juveniles*

---

Michigan Juvenile Code 712A.2b & 712A.14, "any facility holding juveniles in secure confinement must report statistics monthly to the Michigan Committee on Juvenile Justice (MCJJ)".

The completed form shall be attached to the releasing Officer's supplemental report.

[See Procedure Manual: 901 Temporary Custody of Juveniles](#)

#### **901.7 NO-CONTACT REQUIREMENTS**

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Traverse City Police Department (34 USC § 11133; MCR 3.933). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Department shall maintain a constant, immediate, side-by-side presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

#### **901.8 TEMPORARY CUSTODY REQUIREMENTS**

Members and supervisors assigned to monitor or process any juvenile at the Traverse City Police Department shall ensure:

- (a) The Shift Commander is notified if it is anticipated that a juvenile may need to remain at the Department more than four hours. This will enable the Shift Commander to ensure no juvenile is held at the Department more than six hours.
- (b) Safety checks and significant incidents/activities are noted on the log.
- (c) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.
  1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
  2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (d) A member of the same sex will supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (e) There is reasonable access to toilets and wash basins.
- (f) There is reasonable access to a drinking fountain or water.
- (g) Food is provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.
- (h) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (i) There is privacy during family, guardian and/or attorney visits.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Temporary Custody of Juveniles*

---

- (j) Juveniles are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (k) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
  - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (l) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
- (m) Adequate furnishings are available, including suitable chairs or benches.
- (n) Juveniles have the right to the same number of telephone calls as adults in temporary custody (see the Temporary Custody of Adults Policy).
- (o) Discipline is not administered to any juvenile, nor will juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse.

#### **901.9 RELIGIOUS ACCOMMODATION**

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

#### **901.10 USE OF RESTRAINT DEVICES**

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Traverse City Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Shift Commander. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Temporary Custody of Juveniles*

---

##### 901.10.1 PREGNANT JUVENILES

Juveniles who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

##### **901.11 PERSONAL PROPERTY**

The personal property of an individual in temporary custody may be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (e.g., cash, car or house keys, medications) be released to another person.

Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt.

The Shift Supervisor shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Shift Supervisor shall attempt to prove or disprove the claim.

##### **901.12 SECURE CUSTODY**

Only juvenile offenders 14 years of age or older may be placed in secure custody. Shift Commander approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others.

Members of this department should not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option.

Members making the determination that secure custody is required shall contact the prosecuting attorney's office as soon as practicable for disposition.

When practicable, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody. A member must be present at all times to ensure the juvenile's safety while secured to a stationary object.

Generally, juveniles should not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter. Supervisor approval should be documented.

##### 901.12.1 REPORTING REQUIREMENTS

An officer placing a juvenile in secure custody shall report the detention to the Michigan Committee on Juvenile Justice.



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Temporary Custody of Juveniles*

---

##### **901.13 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY**

The Patrol Services Division Commander will ensure procedures are in place to address any suicide attempt, death or serious injury of any juvenile held at the Traverse City Police Department. The procedures should include the following:

- (a) Immediate request for emergency medical assistance if appropriate
- (b) Immediate notification of the Shift Commander, Chief of Police and Investigative Services Division Commander
- (c) Notification of the parent, guardian or person standing in loco parentis of the juvenile
- (d) Notification of the appropriate prosecutor
- (e) Notification of the City Attorney
- (f) Notification of the Medical Examiner
- (g) Notification of the juvenile court
- (h) Evidence preservation

##### **901.14 INTERVIEWING OR INTERROGATING**

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent, to an interview or interrogation.

Juveniles will be accorded the same procedural rights as an adult during interviews and interrogations. If a juvenile is in custody, Miranda warning must be given prior to any questioning.

The presence of a parent/guardian is not always strictly required to obtain a confession from or to simply interview a juvenile as a possible suspect; however, it is always a good practice to have a parent/guardian present. Members should make reasonable attempts to contact a juvenile's parent/guardian prior to conducting interviews and interrogations.

##### **901.15 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING**

A juvenile offender may be photographed or fingerprinted in connection with being taken into custody for an offense where the maximum penalty exceeds 92 days' imprisonment or a fine of \$1,000 or more, or for a misdemeanor offense that is included in the DNA Identification Profiling System Act (MCL 28.243; MCL 28.176).

The Traverse City Police Department will follow all required procedures established by the Michigan State Police (MSP) regarding the forwarding of biometric information collected (within 72 hours) and the notification of the MSP if a juvenile petition is not authorized by the court (MCL 28.243).

##### **901.16 TRAINING**

Department members should be trained on and familiar with this policy and any supplemental procedures.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Temporary Custody of Juveniles*

---

#### **901.17 JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT (JJDP) REPORTING**

In order to demonstrate Michigan's compliance with the requirements of the federal Juvenile Justice and Delinquency Prevention Act (JJDP), the Michigan Department of Health and Human Services relies on juvenile detention summary reports from all facilities in Michigan that have the ability to hold juveniles in secure confinement for any length of time, including jails, law enforcement agencies, and juvenile detention centers. The Department is required to submit a monthly report concerning the detention of juveniles to include "zero occurrence" reports.

Members of this Department detaining or confining juveniles in a secure area are required to complete a juvenile custody log. For purposes of reporting, Supervisors authorizing the release of juveniles are required to forward a copy of the custody log to the Investigative Services Division Commander for reporting compliance.

This section applies to juveniles who were detained or confined in any room or area of the facility that can be secured. The following are examples of situations in which a juvenile would be considered detained or confined in a secure facility, and therefore subject to reporting requirements:

- A juvenile placed in an unlocked room, but within the secure perimeter of a jail or lockup.
- A juvenile placed in a cell within an adult jail or lockup, whether or not the cell door is locked.
- A juvenile placed in an interview room with a door that can be locked from the outside, whether or not the door is locked.
- A juvenile placed in a room that includes a cuffing ring/rail, whether or not the juvenile is physically secured to the cuffing ring/rail.

For purposes of JJDP reporting, juveniles include individuals under the age of 17 accused of committing any crime, as well as 17-year-olds accused of truancy or underage possession of tobacco.

Do not furnish information on juveniles held in unlocked areas or juveniles who temporarily pass through secure areas but are not locked, e.g., those who are in the facility for processing only.

The Investigative Services Commander shall insure that the Department is in compliance with this requirement by reporting via the Michigan Committee on Juvenile Justice (MCJJ) website.

## Custodial Searches

### 902.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Traverse City Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

#### 902.1.1 DEFINITIONS

Definitions related to this policy include:

**Custody search** - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

**Physical body cavity search** - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

**Strip search** - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

### 902.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

### 902.3 FIELD AND TRANSPORTATION SEARCHES

An officer shall conduct a custody search of an individual immediately after the individual's arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

### 902.4 SEARCHES AT TRAVERSE CITY POLICE DEPARTMENT FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Traverse City Police Department facilities. Except in exigent circumstances, the search should be conducted by

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Custodial Searches*

---

a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

#### 902.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Section Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's Traverse City Police Department identification number and information regarding how and when the property may be released.

#### 902.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

#### **902.5 STRIP SEARCHES CRITERIA AND APPROVAL**

No individual in temporary custody at any Traverse City Police Department facility shall be subjected to a strip search unless there is supervisory approval and reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention, or is concealing a weapon or contraband. Probable cause is required for individuals who are in custody for a misdemeanor or a lesser offense and have not been ordered to jail by a court. Searches of these individuals are limited to weapons, controlled substances, and evidence (MCL 764.25a). Factors to be considered in determining probable cause or reasonable suspicion include but are not limited to:

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Custodial Searches*

---

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.
- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
  - 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

#### 902.5.1 STRIP SEARCH PROCEDURES

Strip searches at Traverse City Police Department facilities shall be conducted as follows (28 CFR 115.115):

- (a) Written authorization from the Shift Commander shall be obtained prior to the strip search (MCL 764.25a).
- (b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that the search cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include:
  - 1. The facts that led to the decision to perform a strip search.
  - 2. The reasons less intrusive methods of searching were not used or were insufficient.
  - 3. The written authorization for the search, obtained from the Shift Commander.
  - 4. The name of the individual who was searched.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Custodial Searches*

---

5. The name and sex of the members who conducted the search.
  6. The name, sex and role of any person present during the search.
  7. The time and date of the search.
  8. The place at which the search was conducted.
  9. A list of the items, if any, that were recovered.
  10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.
- (g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.

Any documentation listed above shall be provided to a searched person who is in custody for a misdemeanor or lesser offense and who has not been ordered to jail by a court. Reports may be redacted for security or other reasons appropriate under the Michigan Freedom of Information Act (MCL 764.25a).

#### **902.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES**

A strip search may be conducted in the field only with Shift Commander authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Shift Commander authorization does not need to be in writing.

#### **902.6 PHYSICAL BODY CAVITY SEARCH**

Physical body cavity searches shall be subject to the following:

- (a) No individual shall be subjected to a physical body cavity search without written approval of the Shift Commander and only upon a search warrant. A copy of any search warrant and the results of the physical body cavity search shall be included with

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Custodial Searches*

---

the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

- (b) Only a licensed physician or a physician's assistant, licensed practical nurse, or registered professional nurse acting with the approval of a licensed physician may conduct a physical body cavity search (MCL 764.25b).
- (c) Except for the licensed physician or a physician's assistant, licensed practical nurse, or registered professional nurse conducting the search, persons present must be of the same sex as the individual being searched (MCL 764.25b). Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including:
  - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
  - 2. The reasons less intrusive methods of searching were not used or were insufficient.
  - 3. The Shift Commander's approval.
  - 4. A copy of the search warrant.
  - 5. The time, date and location of the search.
  - 6. The medical personnel present.
  - 7. The names, sex and roles of any department members present.
  - 8. Any contraband or weapons discovered by the search.
  - 9. The identification of the person who actually conducted the search (MCL 764.25b).
- (f) A copy of the written authorization shall be retained and shall be provided/made available to the individual who was searched or other authorized representative upon request.

#### **902.7 TRAINING**

The Training Manager shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

## **Chapter 10 - Personnel**



## Recruitment and Selection

### 1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Traverse City Police Department and that are promulgated and maintained by the Department of Human Resources.

### 1000.2 POLICY

In accordance with applicable federal, state, and local law, the Traverse City Police Department provides equal opportunities for applicants and employees, regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, genetic information, veteran status, marital status, or any other protected class or status. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

The Department and the City Traverse City Human Resources Department will work in cooperation to facilitate the recruitment and selection process, recognizing each department has some specific functions and limitations in the process; however, collaborating on the process, as put forth in this policy, will provide the best opportunity to employ the highest quality personnel for the City of Traverse City.

### 1000.3 RECRUITMENT

The Office of the Chief of Police should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.
- (e) Employee referral and recruitment incentive programs.
- (f) Consideration of shared or collaborative regional testing processes.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Recruitment and Selection*

---

The Office of the Chief of Police shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

#### [Procedure Manual: 1000.1 RECRUITMENT PLAN PURPOSE](#)

##### 1000.3.1 DEPARTMENT RECRUITER

The Chief of Police will designate two members of the department as recruiters.

Recruiters will assist the Chief of Police with recruitment strategies, development of recruitment marketing materials and act as the agency lead during recruiting events.

##### **1000.4 SELECTION PROCESS**

The Department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
- (b) Driving record
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state and federal criminal history record checks
- (h) Medical and psychological examination (may only be given after a conditional offer of employment)
- (i) Review board or selection committee assessment

##### 1000.4.1 VETERAN PREFERENCE

Veterans who meet qualifications for appointment shall be preferred for appointment and employment (MCL 35.401).

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Recruitment and Selection*

---

##### 1000.4.2 EXAMINER QUALIFICATIONS

Medical and psychological examinations should be administered by appropriately licensed professionals. Examination results should be securely maintained in accordance with Michigan law and the established records retention schedule (see the Personnel Records and the Records Maintenance and Release policies).

##### **1000.5 BACKGROUND INVESTIGATION**

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Traverse City Police Department.

##### 1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

##### 1000.5.2 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the Office of the Chief of Police shall not require candidates to provide passwords, account information or access to password-protected social media accounts (MCL 37.273).

The Office of the Chief of Police should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate and validated.
- (c) The Department fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Office of the Chief of Police should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

##### 1000.5.3 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

##### 1000.5.3 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Recruitment and Selection*

---

##### **1000.6 DISQUALIFICATION GUIDELINES**

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

##### **1000.7 EMPLOYMENT STANDARDS**

All candidates shall meet the minimum standards required by state law. Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

###### **1000.7.1 STANDARDS FOR OFFICERS**

Candidates shall meet the following minimum standards established by Michigan law, including those provided in (Mich. Admin. Code, R 28.14203):

- (a) Free of any felony convictions or felony expungements and set asides
- (b) Citizen of the United States
- (c) At least 18 years of age
- (d) Fingerprinted for local, state and national fingerprint check
- (e) Good moral character as determined by a thorough background investigation
- (f) High school graduate, passed the GED or obtained a two-year, four-year or advanced degree from an accredited or approved institution

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Recruitment and Selection*

---

- (g) Free from any physical, emotional or mental condition which might adversely affect the exercise of police powers
- (h) Pass a drug screen
- (i) Complete and pass a Michigan basic law enforcement academy
- (j) Take and pass the Michigan Commission on Law Enforcement Standards licensing examination within one year of completion of the academy
- (k) Pass a medical examination that meets the standards set forth in Mich. Admin. Code, R 28.14204

#### **1000.8 PROBATIONARY PERIODS**

The Office of the Chief of Police should coordinate with the Traverse City Department of Human Resources to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

#### **1000.9 ANNUAL REPORT**

The Chief of Police in conjunction with the department recruiters should complete an annual report concerning the recruitment and selection program.

# Performance Evaluations

## 1001.1 PURPOSE AND SCOPE

This policy provides guidelines for the Traverse City Police Department performance evaluation system.

## 1001.2 POLICY

The Traverse City Police Department shall use a performance evaluation system to measure, document, and recognize work performance. The performance evaluation will serve as an objective guide for the recognition of good work and the development of a process for improvement.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

## 1001.3 TYPES OF EVALUATIONS

The Department shall use the following types of evaluations:

**Regular** - An evaluation completed at regular intervals by the employee's immediate supervisor. Employees who have been promoted should be evaluated as established by the Department of Human Resources or, minimally, on the anniversary of the date of the last promotion.

When an employee transfers to a different assignment in the middle of an evaluation period and less than six months has transpired since the transfer, the evaluation should be completed by the current supervisor with input from the previous supervisor.

**Special** - An evaluation that may be completed at any time the supervisor and Division Commander or the authorized designee determine an evaluation is necessary to address less than standard performance. The evaluation may include a plan for follow-up action (e.g., performance improvement plan (PIP), remedial training, retraining).

### 1001.3.1 RATINGS

When completing an evaluation, the supervisor will identify the rating category that best describes the employee's performance. The definition of each rating category is as follows:

**Outstanding** - Performance is well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

**Exceeds standards** - Performance is better than demonstrated by a competent employee. It is performance superior to what is required, but is not of such nature to warrant a rating of outstanding.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Performance Evaluations*

---

**Meets standards** - Performance of a competent employee. It is satisfactory performance that meets the standards required of the position.

**Needs improvement** - Performance is less than the standards required of the position. A needs improvement rating shall be thoroughly discussed with the employee.

**Unsatisfactory** - Performance is inferior to the standards required of the position. It is inadequate or undesirable performance that cannot be allowed to continue.

Supervisor comments may be included in the evaluation to document the employee's strengths, weaknesses and requirements for improvement. Any job dimension rating marked as unsatisfactory or outstanding shall be substantiated with supervisor comments.

#### 1001.3.2 PERFORMANCE IMPROVEMENT PLAN

Employees who receive an unsatisfactory rating may be subject to a PIP. The PIP shall delineate areas that need improvement, any improvement measures and a timetable in which to demonstrate improvement. The issuing supervisor shall meet with the employee to review his/her performance and the status of the PIP at least monthly.

#### 1001.3.3 PERFORMANCE EVALUATION REPORT FORMS

The departmental performance evaluation report form will be used for assessment. Two forms have been created that are specific to each division of the department. The employee assignment at the time of the process shall determine the appropriate form.

#### [Procedure Manual: 1001.3 PERFORMANCE EVALUATION REPORT](#)

### 1001.4 EVALUATION PROCESS

Supervisors should meet with the employees they supervise at the beginning of the evaluation period to discuss expectations and establish performance standards. This meeting usually is done in conjunction with and at the end of the previous rating period's performance evaluation interview. Each supervisor should discuss the tasks of the position, standards of expected performance and the evaluation criteria with each employee.

Performance evaluations cover a specific period and should be based upon documented performance dimensions that are applicable to the duties and authorities granted to the employee during that period. Evaluations should be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the evaluating supervisor for input.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise and to acknowledge good work. Periodic discussions with the employee during the course of the evaluation period are encouraged. Supervisors should document all discussions in the prescribed manner.

Non-probationary employees demonstrating substandard performance shall be notified in writing as soon as possible in order to have an opportunity to remediate the issues. Such notification

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Performance Evaluations*

---

should occur at the earliest opportunity, with the goal being a minimum of 90 days' written notice prior to the end of the evaluation period.

All supervisors shall receive training on performance evaluations within one year of a supervisory appointment.

#### **1001.5 EVALUATION FREQUENCY**

Supervisors shall ensure that all employees they supervise are evaluated annually, during the month of May.

Those employees who are required to successfully complete a probationary period should be evaluated monthly.

#### **1001.6 EVALUATION INTERVIEW**

When the supervisor has completed his/her evaluation, a private discussion of the evaluation should be scheduled with the employee. The supervisor should discuss the evaluation ratings and respond to any questions the employee may have. The supervisor should provide relevant counseling regarding advancement, specialty positions and training opportunities. Any performance areas in need of improvement and goals for reaching the expected level of performance should be identified and discussed. If the employee has reasonable objections to any of the ratings, the supervisor may make appropriate adjustments to the evaluation. The reason for such adjustments shall be documented.

Employees may write comments in an identified section of the evaluation. The supervisor and employee will sign and date the evaluation.

##### **1001.6.1 PERFORMANCE EVALUATION DISCRIMINATORY HARASSMENT POLICIES ACKNOWLEDGMENT FORM**

At the time of each employee's annual evaluation, the supervisor shall provide access to and require the employee to read the City harassment and discrimination policies and the Traverse City Police Department Discriminatory Harassment Policy. The supervisor shall give the employee a form to be completed and returned that acknowledges the following:

- (a) The employee understands the harassment and discrimination policies.
- (b) The employee has had all questions regarding the policies sufficiently addressed.
- (c) The employee knows how to report alleged harassment and discrimination policy violations.
- (d) Whether the employee has been the subject of, or witness to, any unreported conduct that may violate the discrimination or harassment policies.

The completed form should be returned to the supervisor (or other authorized individual if the employee is uncomfortable returning the form to the presenting supervisor). If the employee has expressed any questions or concerns, the receiving supervisor or other authorized individual shall ensure that appropriate follow-up action is taken. The completed form will be forwarded with the chain of review.



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Performance Evaluations*

---

#### [Procedure Manual: 1001.4 PERFORMANCE EVALUATION DISCRIMINATORY HARASSMENT POLICIES ACKNOWLEDGMENT FORM](#)

##### **1001.7 APPEAL**

An employee who disagrees with his/her evaluation may provide a formal written response that will be attached to the evaluation, or may request an appeal.

To request an appeal, the employee shall forward a written memorandum within three days to the evaluating supervisor's Division Commander or the authorized designee. The memorandum shall identify the specific basis for the appeal and include any relevant information for the reviewer to consider.

##### **1001.8 CHAIN OF REVIEW**

The signed performance evaluation and any employee attachment should be forwarded to the evaluating supervisor's Division Commander or the authorized designee. The Division Commander or the authorized designee shall

- (a) Review the evaluation for fairness, impartiality, uniformity and consistency, and shall consider any written response or appeal made by the employee.
- (b) Evaluate the supervisor on the quality of ratings given.
- (c) Provide a written response to the appeal and may or may not adjust the evaluation based on his/her findings.

The Division Commander's determination is final and concludes the appeal process.

##### **1001.9 RETENTION AND DISTRIBUTION**

The original performance evaluation and any original correspondence related to an appeal shall be maintained by the Department in accordance with the Personnel Records Policy.

A copy of the evaluation and any documentation of a related appeal shall be provided to the employee and also forwarded to the Traverse City Department of Human Resources.

## Special Assignments and Promotions

### 1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the Traverse City Police Department. Promotional process is detailed in applicable collective bargaining agreements and this policy is not intended to supersede and/or replace any portion of the same.

### 1002.2 POLICY

The Traverse City Police Department determines assignments and promotions in a non-discriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Chief of Police.

### 1002.3 SPECIAL ASSIGNMENT POSITIONS

Positions considered special assignments and not promotions include, but are not limited to:

- (a) Community Policing Officer
- (b) Accident Investigator/Reconstructionist
- (c) Accreditation Manager
- (d) Bicycle Patrol Officer
- (e) Motorcycle Patrol Officer
- (f) Canine Handler
- (g) Defensive Tactics Instructor
- (h) Detective
- (i) Field Training Officer (FTO)
- (j) Firearms Instructor
- (k) TASER Instructor
- (l) Promotion to Command Status
- (m) Promotion to Sergeant Status
- (n) School Resource Officer (SRO)
- (o) Traverse Narcotics Team Officer (TNT)
- (p) Evidence Technician
- (q) Field Force Training Officer
- (r) Crime Prevention Officer
- (s) Crisis Intervention Training Officer

Managers and supervisors of divisions, bureau's, sections, units and teams as well as lead instructors are designated by the Chief of Police with recommendation from Division Commanders

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Special Assignments and Promotions*

---

and in accordance with the Organizational Structure and Responsibility policy. Generally, assignment to positions reporting directly to the Chief of Police and specialty assignments inherent in job description, assignment and rank are also at the discretion of the Chief of Police with recommendation Division Commanders. This policy does not limit the Chief's discretion as to selection process which may or may not include the process specified in this policy.

#### 1002.3.1 GENERAL REQUIREMENTS

The following requirements should be considered when selecting a candidate for a special assignment:

- (a) Relevant experience related to the assignment
- (b) Off probation
- (c) Possession of or ability to obtain any certification required by Michigan Commission on Law Enforcement Standards (MCOLES), law, best practices and/or as otherwise specified within this manual
- (d) Exceptional skills, experience or abilities related to the special assignment

#### 1002.3.2 EVALUATION CRITERIA

The following criteria will be used in evaluating candidates for a special assignment:

- (a) Presents a professional, neat appearance.
- (b) Maintains a physical condition that aids in his/her performance.
- (c) Expressed an interest in the assignment.
- (d) Demonstrates the following traits:
  - 1. Emotional stability and maturity
  - 2. Stress tolerance
  - 3. Sound judgment and decision-making
  - 4. Personal integrity and ethical conduct
  - 5. Leadership skills
  - 6. Initiative
  - 7. Adaptability and flexibility
  - 8. Ability to conform to department goals and objectives in a positive manner

#### 1002.3.3 SELECTION PROCESS

Unless otherwise specified within this manual, the selection process for specialty assignments will be as follows:

- (a) The Chief of Police will determine the need for specialty assignments.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Special Assignments and Promotions*

---

- (b) Upon determination, the department will post the position requirements and description on the department bulletin board and email the announcement to department members. Absent exceptional circumstances, interested members will have 10 days to respond.
- (c) Interested applicants will respond in accordance to the Requests for Change of Assignment policy.
- (d) The selection process for special assignments will include an administrative evaluation as determined by the Chief of Police to include:
  - 1. Supervisor recommendations - The applicant's current supervisor will submit a recommendation.
    - (a) The applicant's most recently completed performance evaluation will be considered and attached to the recommendation.
    - (b) The supervisor recommendations will be submitted to the Division Commander for whom the candidate will work.
  - 2. Division Commander recommendation - The applicant's current Division Commander will submit a recommendation.
    - (a) Interview - The Division Commander will schedule interviews with each candidate. Dependent on the number of applicants, and at the discretion of the Division Commander, team/unit supervisors/managers/coordinators should be included in the interview process.
    - (b) Department seniority and other specialty assignments/workload will be considered in the recommendation.
    - (c) Based on supervisor recommendations and those of the Division Commander after the interview, the Division Commander will submit both recommendations to the Chief of Police.
  - 3. Assignment by the Chief of Police.

The selection process for all special assignment positions may be waived for temporary assignments, emergency situations, training and at the discretion of the Chief of Police.

#### 1002.3.4 NO APPLICANT

In the event no qualified member of the department applies for an open specialty assignment position, the Chief of Police may at his/her discretion proceed with any of the following courses of action:

- (a) Open application to the position to probationary employees.
- (b) Assign a member to the position. Probationary status, departmental seniority and member work load/qualifications will be considered in that decision.
- (c) Seek and appoint an external candidate from a partner agency or organization.
- (d) Hire a new person in the capacity as a full time, part paid or volunteer member of the department as directed by city policy and directives.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Special Assignments and Promotions*

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##### 1002.3.5 TERM

The duration of the special assignment is discretionary based on the role and is defined within the special assignment posting and agreement by and with the Department.

##### **1002.4 PROMOTIONAL REQUIREMENTS**

Requirements and information regarding any promotional process are available at the Traverse City Department of Human Resources and within the applicable collective bargaining agreements.

Promotions within the department include, but are not limited to:

- (a) Sergeant
- (b) Lieutenant
- (c) Captain

##### **1002.5 PROBATIONARY PERIODS**

All new hires, special assignments and promotions are subject to a 12 month probationary period.

## Grievances

### 1003.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the Traverse City Police Department grievance system. The grievance system is intended to facilitate communication and to promptly and equitably address employee grievances in the workplace.

#### 1003.1.1 GRIEVANCE DEFINED

A grievance is a difference of opinion or dispute regarding the meaning, interpretation, or application of any of the following:

- The collective bargaining agreement
- This Policy Manual
- Rules and regulations governing personnel practices or working conditions
- Workplace issues that do not amount to misconduct under the Personnel Complaints Policy, such as fraud, waste, abuse of authority, gross mismanagement, or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety, or well-being of members

Specifically outside the category of grievances are complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy or federal, state, or local law, as set forth in the Personnel Complaints Policy.

### 1003.2 POLICY

It is the policy of the Traverse City Police Department to provide a just and equitable system for the prompt handling of employee grievances without discrimination, coercion, restraint or retaliation against any employee who submits or is otherwise involved in a grievance.

### 1003.3 PROCESS

Grievances may be brought by an individual employee or by an employee group representative. Employees may have representation during the grievance process.

Except as otherwise required under a collective bargaining agreement, if an employee believes that he/she has a grievance as defined above, that employee shall:

#### Step One

- (a) Verbal Procedure: An employee with a complaint shall discuss the matter with their immediate supervisor within seven (7) working days of the employee's knowledge of the incident which gave rise to the complaint or within seven (7) working days of the date by which an employee should have been reasonably aware of such incident. Said employee shall give a verbal notice of the grievance to their immediate supervisor. If

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

## Grievances

---

requested by the employee, they may have the steward present. If the complaint is not satisfactorily settled, it may be advanced according to the written procedure.

- (b) **Written Procedure:** Within seven (7) working days from the supervisor's answer in the verbal procedure, the complaint shall be reduced to writing, citing the sections of the contract which are alleged to have been violated and signed by the employee or the Union and then presented to the Chief of Police. The Chief of Police, the steward, and grieving party, shall discuss the grievance in an attempt to resolve the matter. The Chief shall place his/her answer on the grievance form and return it to the steward within seven (7) working days after the grievance is presented to him/her. If the grievance is not satisfactorily settled, it may be advanced according to Step 2.

### Step Two

- (a) Within seven (7) working days after the City's written answer in Step 1, the grievance may be presented to the City Manager. The City Manager and the steward shall discuss the grievance in an attempt to resolve the matter. Either party may have non-employee representatives present if desired. The City shall give its answer on the grievance and return it to the steward within ten (10) working days after the grievance is presented to the City. If the grievance is not satisfactorily settled, it may be advanced by the Union according to Step 3.

### Step Three

- (a) In the event the last step fails to settle the grievance, the Union, within thirty (30) calendar days, may submit the issues to an Arbitrator selected from the Federal Mediation and Conciliation Service for final determination. Such decision will be binding on both parties.

#### 1003.3.1 TIME COMPUTATION

Saturday, Sunday and holidays shall not be counted under the time procedures established in the grievance procedure.

#### 1003.3.2 GRIEVANCE FORMS

The grievance forms shall be mutually agreed upon by the City and Unions.

[See attachment: POAM Grievance Form.pdf](#)

[See attachment: Teamsters Grievance Form.pdf](#)

#### 1003.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to the Office of the Chief of Police for inclusion into a secure file for all written grievances. Copies of the documents should also be sent to the Department of Human Resources.

#### 1003.5 POLICY OR TRAINING IMPLICATIONS

If an employee who participates in the grievance review process identifies any issue that may warrant an immediate revision to this Policy Manual, a procedural change or an immediate training need, the employee should promptly notify the Chief of Police in the memorandum.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Grievances*

---

#### **1003.6 GRIEVANCE AUDITS**

The Investigative Services Division Captain should perform an annual audit of all grievances filed the previous calendar year to evaluate whether any change in policy, procedure or training may be appropriate to avoid future grievances. The Investigative Services Division Captain should record these findings in a confidential memorandum to the Chief of Police without including any identifying information about any individual grievance.



## Anti-Retaliation

### 1004.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, state and local law, ordinance or collective bargaining agreement.

### 1004.2 POLICY

The Traverse City Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

### 1004.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint, the focus of the complaint or about the alleged wrongdoing.
- Divulging confidential information to unauthorized personnel and/or spreading rumors concerning Personnel Investigations and/or Human Resource Investigations.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Anti-Retaliation*

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##### **1004.4 COMPLAINTS OF RETALIATION**

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Human Resources Director.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false or with willful or reckless disregard for the truth or falsity of the information, or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

##### **1004.5 SUPERVISOR RESPONSIBILITIES**

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of a member to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Anti-Retaliation*

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##### **1004.6 COMMAND STAFF RESPONSIBILITIES**

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

##### **1004.7 WHISTLE-BLOWING**

State law protects employees who report violations of a law, rule or regulation (MCL 15.362). Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Investigative Services Division for investigation pursuant to the Personnel Complaints Policy.

##### **1004.8 RECORDS RETENTION AND RELEASE**

The Records Supervisor shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

##### **1004.9 TRAINING**

This policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

# Reporting of Arrests, Convictions and Court Orders

## 1005.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain arrests, convictions and court orders restrict their ability to perform the official duties and responsibilities of the Traverse City Police Department. This policy will also describe the notification requirements and procedures that certain retired officers must follow when an arrest, conviction or court order disqualifies them from possessing a firearm.

## 1005.2 POLICY

The Traverse City Police Department requires disclosure of member arrests, convictions and certain court orders to maintain the high standards, ethics and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Department.

## 1005.3 DOMESTIC VIOLENCE CONVICTIONS AND COURT ORDERS

Federal and Michigan law prohibits individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing firearms. Such convictions and court orders often involve allegations of the use or attempted use of force, or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922).

All members and retired officers with identification cards issued by the Department are responsible for ensuring that they have not been disqualified from possessing firearms by any such conviction or court order, and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

## 1005.4 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

An officer's state certification will be revoked by the Michigan Commission on Law Enforcement Standards (MCOLES) for a conviction of any felony offense or other offenses listed in MCL 28.609 and MCL 28.609a.

## 1005.5 REPORTING

All members with identification cards issued by the Department shall immediately notify their supervisors (retired officers should immediately notify the Shift Commander or the Chief of Police) in writing of any past or current criminal detention, arrest, charge or conviction in any state or foreign country, regardless of whether the matter was dropped or rejected, is currently pending or is on appeal, and regardless of the penalty or sentence, if any.

All members with identification cards issued by the Department shall immediately notify their supervisors (retired officers should immediately notify the Shift Commander or the Chief of Police) in writing if they become the subject of a domestic violence-related order or any court order that

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Reporting of Arrests, Convictions and Court Orders*

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prevents the member from possessing a firearm or requires suspension or revocation of applicable MCOLES certification.

Any member whose criminal arrest, conviction or court order restricts or prohibits that member from fully and properly performing his/her duties, including carrying a firearm, may be disciplined. This includes, but is not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member, on his/her own time and at his/her own expense.

All retired officers with Law Enforcement Officers Safety Act (LEOSA) certification issued by MCOLES shall report to MCOLES in writing of any:

- (a) Past or current criminal detention, arrest, charge or conviction in any state or foreign country, regardless of whether the matter was dropped or rejected, is currently pending or is on appeal, and regardless of the penalty or sentence, if any.
- (b) Domestic violence-related order or of any court order that restricts or prohibits possessing a firearm or requires suspension or revocation of applicable MCOLES certification.
- (c) Drug test by a laboratory conducted that reflects the illicit presence of a controlled substance (MCL 28.518).

Any employee failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

Retired officers may have their identification cards rescinded or modified, as may be appropriate (see the Retiree Concealed Firearms Policy).

#### 1005.5.1 NOTIFICATION REQUIREMENTS

The Traverse City Police Department is required to notify MCOLES within three business days that an officer employed by the Traverse City Police Department has been separated from service (Mich. Admin. Code, R 28.14510).

## Drug- and Alcohol-Free Workplace

### 1006.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

### 1006.2 POLICY

It is the policy of the Traverse City Police Department to provide a drug- and alcohol-free workplace for all members.

### 1006.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Shift Commander or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

#### 1006.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

#### 1006.3.2 MARIHUANA

Possession, use, or being under the influence of recreational marihuana on or off-duty is prohibited and may lead to disciplinary action.

This does not apply to a member of the department who is engaged in the lawful performance of their job duties.

#### 1006.3.3 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on or off-duty is prohibited and may lead to disciplinary action.

This does not apply to a member of the department who is engaged in the lawful performance of their job duties.

### 1006.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Drug- and Alcohol-Free Workplace*

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controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow on-duty member is impaired due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

#### **1006.5 EMPLOYEE ASSISTANCE PROGRAM**

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

#### **1006.6 WORK RESTRICTIONS**

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

#### **1006.7 SCREENING TESTS**

A supervisor may require an employee to submit to a screening under any the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm in the performance of his/her duties (excluding training or authorized euthanizing of an animal).
- (c) The employee discharges a firearm issued by the Department while off-duty, resulting in injury, death or substantial property damage.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Drug- and Alcohol-Free Workplace*

---

- (d) The employee drives a motor vehicle in the performance of his/her duties and becomes involved in an incident that results in bodily injury, death or substantial damage to property.

#### **1006.7.1 SUPERVISOR RESPONSIBILITIES**

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

#### **1006.7.2 DISCIPLINE**

An employee may be subject to disciplinary action if he/she:

- (a) Fails or refuses to submit to a screening test.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

#### **1006.8 SEARCHES**

Entrance onto City owned property constitutes consent to searches and inspections. If the Department has reasonable suspicion to believe that a member is violating this policy, he or she may be asked to submit to a search or inspection at any time. Searches can be conducted on City owned lockers, desks, workstations, vehicles and equipment. Members have no right to privacy in any such places.

#### **1006.9 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT**

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

#### **1006.10 CONFIDENTIALITY**

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.



## Short Term Leave

### 1007.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of short term leave (STL). The accrual and terms of use of STL for eligible employees is detailed in the City personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of STL or other leave. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.) and the Michigan Paid Medical Leave Act (MCL 408.962 et seq.).

### 1007.2 POLICY

It is the policy of the Traverse City Police Department to provide eligible employees with a STL benefit.

### 1007.3 USE OF SHORT TERM LEAVE

STL is intended to be used for qualified absences.

STL is not considered vacation. Abuse of STL may result in discipline, denial of STL benefits, or both.

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

#### 1007.3.1 NOTIFICATION

All members should notify the Shift Commander or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with no less than 30 days' notice of the impending absence.

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

### 1007.4 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Short Term Leave*

---

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days.

#### **1007.5 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include, but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of STL and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Department of Human Resources as appropriate.
- (c) Addressing absences and STL use in the member's performance evaluation when excessive or unusual use has:
  1. Negatively affected the member's performance or ability to complete assigned duties.
  2. Negatively affected department operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of STL.
- (e) Referring eligible members to an available employee assistance program when appropriate.

#### **1007.6 STATE MANDATES AND OTHER RELEVANT LAWS**

##### 1007.6.1 MICHIGAN PAID MEDICAL LEAVE ACT

An eligible employee should be given at least three days to provide any requested documentation affirming the reason for an absence. Such documentation should be kept confidential (MCL 408.964).

The Human Resources Director should ensure that the required Michigan Department of Licensing and Regulatory Affairs poster explaining medical leave benefits is displayed at the Traverse City Police Department in a location that is conspicuous and accessible for employees (MCL 408.968).

In addition to health issues, eligible employees may receive leave under the Paid Medical Leave Act for domestic violence and sexual assault situations for the following (MCL 408.964):

- (a) Medical care or psychological or other counseling
- (b) Receiving services from a victim services organization
- (c) Relocation and obtaining legal services
- (d) Participation in civil or criminal proceedings related to or resulting from the domestic violence or sexual assault

Documentation affirming the reason for an absence related to domestic violence or sexual assault shall not require details prohibited under MCL 408.964.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Short Term Leave*

---

The Human Resources Director shall retain the records documenting the hours worked and sick leave taken by an eligible employee pursuant to the department retention schedule and at a minimum of one year (MCL 408.970).

# Communicable Diseases

## 1008.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

### 1008.1.1 DEFINITIONS

Definitions related to this policy include:

**Communicable disease** - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

**Exposure** - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Traverse City Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

## 1008.2 POLICY

The Traverse City Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

## 1008.3 EXPOSURE CONTROL OFFICER

The Chief of Police has assigned the Division Commander of the Investigative Services Division as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

- (a) Exposure prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) that is appropriate for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them.
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
  - (a) Exposure control mandates for bloodborne pathogens in 29 CFR 1910.1030 (MCL 408.1014).

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Communicable Diseases*

---

- (b) Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
- (c) The ECO should also act as the liaison with the MIOSHA and may request voluntary compliance inspections. The ECO should annually review and update the exposure control plan and review implementation of the plan.

#### **1008.4 EXPOSURE PREVENTION AND MITIGATION**

##### 1008.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (MCL 408.1014; 29 CFR 1910.1030):

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.
- (b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.
  - 1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Communicable Diseases*

---

##### 1008.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (MCL 408.1014; 29 CFR 1910.1030).

##### **1008.5 POST EXPOSURE**

###### 1008.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall (MCL 408.1014; 29 CFR 1910.1030):

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practical.

###### 1008.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (MCL 408.1014; 29 CFR 1910.1030):

- (a) Name and Social Security number of the employee exposed
- (b) Date and time of incident
- (c) Location of incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Work-Related Illness and Injury Reporting and Illness and Injury Prevention policies).

###### 1008.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Communicable Diseases*

---

The ECO, in conjunction with the Human Resources Department, should request a written opinion/evaluation from the treating medical professional that contains only the following information (MCL 408.1014; 29 CFR 1910.1030):

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

#### 1008.5.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (MCL 408.1014; 29 CFR 1910.1030).

#### 1008.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Notice to exposed emergency personnel pursuant to MCL 333.20191.
- (c) Seeking assistance from the Department of Community Health (MCL 333.5115).
- (d) Court ordered testing for certain offenses (MCL 333.5129).
- (e) Consent or court ordered testing pursuant to MCL 333.5204.

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

#### **1008.6 CONFIDENTIALITY OF REPORTS**

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

#### **1008.7 TRAINING**

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (MCL 408.1014; 29 CFR 1910.1030):

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Communicable Diseases*

---

- (a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.



## Smoking and Tobacco Use

### 1009.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Traverse City Police Department facilities or vehicles. The use of tobacco products is detailed in the City personnel manual and applicable collective bargaining agreements and may be more restrictive depending on date of hire. This policy is not intended to supersede those documents.

For the purpose of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device that is intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

### 1009.2 POLICY

The Traverse City Police Department recognizes that tobacco use is a health risk and can be offensive to others. Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy.

### 1009.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited any time members are in public view representing the Traverse City Police Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles.

### 1009.4 ADDITIONAL PROHIBITIONS

No employee shall smoke tobacco products in a public place or at a meeting of a public body, including but not limited to government owned and operated facilities (MCL 333.12601; MCL 333.12603).

## Personnel Complaints

### 1010.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Traverse City Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

### 1010.2 POLICY

The Traverse City Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law and municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

### 1010.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

#### 1010.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified by the Division Commander in one of the following categories:

**Informal** - A matter in which the Division Commander is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

**Formal** - A matter in which a supervisor and/or the Division Commander determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Investigative Services Division, depending on the seriousness and complexity of the investigation.

**Incomplete** - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. The Division Commander will determine this under advisement of the assigned supervisor or the Investigative Services Division, such matters

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Personnel Complaints*

---

may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

#### 1010.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) External/Citizen Complaint - Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Internal/Personnel Complaint - Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
  - 1. Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (c) Other Complaint - Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
  - 1. Tort claims and lawsuits may generate a personnel complaint.

#### 1010.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

##### 1010.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website. Forms may also be available at other City facilities as appropriate.

Personnel complaint forms in languages other than English may also be provided, as requested.

[Procedure Manual: 1010 Personnel Complaints](#)

##### 1010.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

#### 1010.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries shall be entered into the Guardian Tracking System that will record and track complaints as directed in the Guardian Tracking System procedure. Supervisors shall minimally conduct a bi-annual review in conjunction with performance evaluations as defined in

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Personnel Complaints*

---

the Bias Based Policing policy. On an annual basis, at minimum, the Department should audit the log and send an audit report to the Chief of Police or the authorized designee. This requirement does not prohibit supervisors from conducting more frequent reviews.

#### **1010.6 ADMINISTRATIVE INVESTIGATIONS**

Allegations of misconduct will be administratively investigated as follows.

##### 1010.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
  - 1. The original complaint form will be directed to the Shift Commander of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
  - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Division Commander or the Chief of Police, who will initiate appropriate action.
- (b) Responding to all complaints in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
  - 1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
  - 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Shift Commander.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Shift Commander and Chief of Police are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Department of Human Resources and the Shift Commander for direction regarding the supervisor's role in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Personnel Complaints*

---

- (f) Forwarding unresolved personnel complaints to the Shift Commander, who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) Investigating a complaint as follows:
  - 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
  - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (i) Ensuring that the procedural rights of the accused member are followed.
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

#### 1010.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Investigative Services Division, the following applies to employees:

- (a) Interviews of an accused employee should be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is off-duty, he/she shall be compensated.
- (b) Unless waived by the employee, interviews of an accused employee should be at the Traverse City Police Department or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused employee.
- (d) Prior to any interview, an employee should be informed of the nature of the investigation.
- (e) All interviews should be for a reasonable period and the employee's personal needs should be accommodated.
- (f) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
- (g) Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
  - 1. An employee should be given an order to answer questions in an administrative investigation that might incriminate the employee in a criminal matter only after the employee has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Personnel Complaints*

---

steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

2. No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor. An involuntary statement made by an officer as defined by MCL 15.391, may only be disclosed with the written consent of the officer, pursuant to a court order or when needed for an administrative, civil or criminal proceeding as provided in MCL 15.395.
- (h) The interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview should be provided to the employee prior to any subsequent interview.
- (i) All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (j) All employees shall provide complete and truthful responses to questions posed during interviews.
- (k) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

#### 1010.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

**Introduction** - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

**Synopsis** - Provide a brief summary of the facts giving rise to the investigation.

**Summary** - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

**Evidence** - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

**Conclusion** - A recommendation regarding further action or disposition should be provided.

**Exhibits** - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Personnel Complaints*

---

##### 1010.6.4 DISPOSITIONS

Each personnel complaint shall be classified by the Division Commander under advisement of the assigned investigator with one of the following dispositions:

**Unfounded** - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

**Exonerated** - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

**Not sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

**Sustained** - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

##### 1010.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation.

##### 1010.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

#### **1010.7 ADMINISTRATIVE SEARCHES**

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

#### **1010.8 ADMINISTRATIVE LEAVE**

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any department badge, identification, assigned weapons, facility access cards, parking deck access cards, department keys and any other department equipment.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Personnel Complaints*

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- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift and will report as ordered.

#### **1010.9 CRIMINAL INVESTIGATION**

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The Traverse City Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

#### **1010.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES**

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review the report and include their comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

##### **1010.10.1 TRAINING IN LIEU OF PUNITIVE DISCIPLINE**

If a member is found to be deficient in job performance, the department, depending on the deficiency, should first consider training or coaching in correcting the deficiency. This shall not be considered discipline. Coaching and remedial training may be utilized at any stage of the disciplinary process. Coaching and/or remedial training may be used to support future corrective action but does not constitute formal corrective action for inclusion in the member's file. Member performance notes concerning coaching and/or remedial training are kept within the Guardian Tracking system.

Coaching and/or remedial training shall not be used for serious breaches of policy or procedure, such as acts which cause physical harm to the public, proven member dishonesty or a breakdown in member integrity.

Remedial training may be recommended when a supervisor feels the member will benefit from training to improve job performance. Examples include, but are not limited to: training for emergency vehicle operation, use of force, etc.



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Personnel Complaints*

---

All training, counseling and/or coaching resulting from a performance issue must be documented and forwarded to the Chief of Police or authorized designee.

#### 1010.10.2 DIVISION COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Division Commander of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Division Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Division Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Division Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

#### 1010.10.3 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Division Commander for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed.

In the event disciplinary action is proposed, the Chief of Police shall provide the member with a written notice and the following:

- (a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.
  1. Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.
  2. If the member elects to respond orally, the presentation shall be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response, or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Personnel Complaints*

---

##### 1010.10.4 NOTICE REQUIREMENTS

If no disciplinary action is taken, the employee shall be notified that an investigation was conducted (MCL 423.509).

If disciplinary action is taken, a copy of the Chief of Police's written decision of disciplinary action shall be filed with the civil service commission no later than 90 days from the date of discovery of the violation (MCL 38.514; MCL 51.362).

##### 1010.10.5 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Police or the authorized designee should ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint.

##### 1010.10.6 NOTICE REQUIREMENTS FOR DISCIPLINE DISCLOSURE

Disclosure of a disciplinary report, letter of reprimand or other disciplinary action to a complainant requires notice be mailed to the affected employee as set forth in MCLA 423.506.

#### **1010.11 PRE-DISCIPLINE EMPLOYEE RESPONSE**

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.
- (d) In the event that the Chief of Police elects to conduct further investigation, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

#### **1010.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE**

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

#### **1010.13 POST-DISCIPLINE APPEAL RIGHTS**

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Personnel Complaints*

---

to appeal using the procedures established by any applicable civil service procedures, collective bargaining agreement and/or personnel rules (MCL 38.513; MCL 51.362).

#### **1010.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS**

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or as mandated or required by the City Human Resources department.

In cases where an individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate, the probationary period may be extended at the discretion of the Chief of Police or as mandated or required by the City Human Resources department.

#### **1010.15 RETENTION OF PERSONNEL INVESTIGATION FILES**

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

## Safety Belts

### 1011.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of safety belts and child restraints. This policy will apply to all members operating or riding in department vehicles.

#### 1011.1.1 DEFINITIONS

Definitions related to this policy include:

**Child restraint system** - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and regulations set forth in 49 CFR 571.213.

### 1011.2 POLICY

It is the policy of the Traverse City Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle accident.

### 1011.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Department, are properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a safety belt would endanger the department member or the public. Members must be prepared to justify any deviation from this requirement.

### 1011.4 TRANSPORTING CHILDREN

Child passengers shall be transported using an approved child restraint system in compliance with MCL 257.710d.

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of safety belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side air bag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

### 1011.5 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by safety belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Safety Belts*

---

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

#### **1011.6 INOPERABLE SAFETY BELTS**

Department vehicles shall not be operated when the safety belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the safety belt is inoperable.

Department vehicle safety belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

#### **1011.7 VEHICLES MANUFACTURED WITHOUT SAFETY BELTS**

Vehicles manufactured and certified for use without safety belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

#### **1011.8 VEHICLE AIRBAGS**

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

## Body Armor

### 1012.1 PURPOSE AND SCOPE

The purpose of this policy is to provide officers with guidelines for the proper use of body armor.

### 1012.2 POLICY

It is the policy of the Traverse City Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

### 1012.3 ISSUANCE

The Office of the Chief of Police shall ensure that body armor is issued to all officers and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

Body armor shall be issued when an officer begins service at the Traverse City Police Department and shall be replaced when the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

The Chief of Police may authorize issuance of body armor to uniformed, civilian members whose jobs may make wearing of body armor advisable.

#### 1012.3.1 USE

Generally, the required use of body armor is subject to the following:

- (a) Members shall only wear department-approved body armor.
- (b) Members shall wear body armor any time they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Members shall wear body armor when working in uniform or taking part in department range training.
- (d) Members shall wear body armor when engaged in pre-planned high-risk operations.
- (e) Members are not required to wear body armor when they are functioning primarily in an administrative or support capacity and would not reasonably be expected to take enforcement action.
- (f) Officers may be excused from wearing body armor when they are involved in undercover or plainclothes work that their supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.
  1. In those instances when body armor is not worn, officers should have reasonable access to their body armor.

#### 1012.3.2 INSPECTION

Supervisors should ensure through routine observation and periodic documented inspections that body armor is worn and maintained in accordance with this policy.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Body Armor*

---

Annual inspections of body armor should be conducted by a person trained to perform the inspection for fit, cleanliness and signs of damage, abuse and wear.

#### 1012.3.3 CARE AND MAINTENANCE

The required care and maintenance of body armor is subject to the following:

- (a) Members are responsible for inspecting their body armor for signs of damage, wear and cleanliness at the start of each shift.
  - 1. Unserviceable body armor shall be reported to the supervisor.
- (b) Members are responsible for the proper storage of their body armor.
  - 1. Body armor should not be stored for an extended period of time in an area where environmental conditions (e.g., temperature, light, humidity) could potentially degrade its effectiveness.
- (c) Members are responsible for the care and cleaning of their body armor pursuant to the manufacturer's care instructions.
  - 1. Body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer.
  - 2. Failure to follow manufacturer's care instructions may damage the ballistic performance capabilities of the body armor. If care instructions for the body armor cannot be located, the manufacturer should be contacted to request the instructions.
- (d) Body armor should be replaced in accordance with the manufacturer's recommended replacement schedule, or when its effectiveness or functionality has been compromised.

#### 1012.4 CHIEF FIREARMS INSTRUCTOR RESPONSIBILITIES

The responsibilities of the Chief Firearms Instructor include, but are not limited to:

- (a) Monitoring technological advances in the body armor industry for any appropriate changes to department-approved body armor.
- (b) Assessing the level of weapons and ammunition currently utilized by the public and the suitability of approved body armor to protect against those threats.
- (c) Educating officers about the safety benefits of wearing body armor.

## Personnel Records

### 1013.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records, including the provisions of the Bullard-Plawecki Employee Right to Know Act (MCL 423.501 et seq.). Personnel records include any file maintained under an individual member's name.

### 1013.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Michigan.

### 1013.3 PERSONNEL FILE

The personnel file shall be retained in the Human Resources Department located in the Governmental Center as a record of a person's employment/appointment with the City. The personnel file should contain, at a minimum:

- (a) Initial employment application, personal data, including educational and employment history or similar information. A photograph of the member should be permanently retained.
- (b) MCOLES certificate and cover letter as issued, recognizing the member as a Michigan certified police officer.
- (c) Personnel action reports reflecting assignments, promotions and other changes in employment/appointment status. These should be permanently retained.
  - 1. Officers shall have the opportunity to read and initial comments regarding their separation from service (MCL 28.563).
  - 2. A written statement submitted by a separating officer under MCL 28.563 disagreeing with the separation information shall be kept in the file.
- (d) Original performance evaluations. These should be permanently maintained.
- (e) Discipline records, including copies of sustained personnel complaints.
- (f) Documentation of attendance at seminars and schools.
- (g) Commendations and awards.
- (h) Any other information or documents deemed applicable by the Traverse City Police Department and/or the Human Resources Department.

### 1013.4 DIVISION FILE

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Personnel Records*

---

##### **1013.5 TRAINING FILE**

An individual training file shall be maintained by the Training Manager for each member. Training files will contain records of all training; original or photocopies or uploaded documents in Guardian Tracking of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Training Manager or immediate supervisor with evidence of completed training/education within 7 days of training by entering the information into Guardian Tracking as covered in the policy on Training.
- (b) The Training Manager or Training Coordinator shall ensure that copies of such training records are placed in the member's Guardian Tracking training file.

##### **1013.6 INTERNAL AFFAIRS FILE**

Internal affairs files shall be maintained under the exclusive control of the Investigative Services Division in conjunction with the office of the Chief of Police. These files shall be retained in a locked cabinet in the office of the Chief of Police and access to these files may only be approved by the Chief of Police or the Investigative Services Division supervisor. Upon approval, a mutually agreed upon date, time and location will be scheduled for the member to review the contents of their internal affairs file.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the member's department file but will be maintained in the internal affairs file. Unfounded or unsubstantiated information from this file shall not be used in any future consideration for promotion, transfer, additional compensation or disciplinary action (MCL 423.509):

- (a) Not sustained
- (b) Unfounded
- (c) Exonerated
- (d) No disciplinary action taken

##### **1013.7 MEDICAL FILE**

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Election of employee health benefits.
- (b) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (c) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (d) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Personnel Records*

---

- (e) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.
- (f) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

All medical file documents will be forwarded to the Human Resources Department where they are to be held.

#### **1013.8 SECURITY**

Personnel records shall be maintained in the Human Resources Department at the Governmental Center in a locked cabinet or access-controlled room.

Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

##### **1013.8.1 REQUESTS FOR DISCLOSURE**

Any member receiving a request for a personnel record shall promptly notify the Human Resources Department.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made. Written notice by first-class mail, on or before the day the information is to be divulged, shall be given to the member where a third party has requested a disciplinary report, letter of reprimand or other disciplinary action unless there is an applicable exception under MCL 423.506.

Except when the release of a personnel record is ordered in a legal action or arbitration, the responsible person shall review the record prior to release to a third party to ensure that disciplinary reports, letters of reprimand or other records of disciplinary action are deleted when the records are more than 4 years old (MCL 423.507).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

##### **1013.8.2 RELEASE OF PERSONNEL INFORMATION**

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Personnel Records*

---

false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement.

#### **1013.9 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS**

Any member upon written request may request access to his/her own personnel records twice in a calendar year. The review shall take place at the office of the Human Resources Department and during normal business hours. Members may obtain a copy of the information reviewed and charged for any duplication fees (MCL 423.503; MCL 423.504).

If the member demonstrates that he/she is unable to review the personnel record at the office of the Human Resources Department, a copy of the requested record shall be mailed to the member, upon written request (MCL 423.504).

Any member who disagrees with information contained in a personnel record may seek the removal or correction of that information by mutual agreement between the member and the Chief of Police. If an agreement is not reached, the member may submit a written statement explaining the member's position to the Chief of Police through the chain of command. The statement shall not exceed five pages and shall be included whenever the information is divulged to a third party as long as the original information is a part of the file (MCL 423.505).

Members may be restricted from accessing records containing any of the following information (MCL 423.501(c)):

- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
- (b) Confidential portions of internal affairs files that have not been sustained against the member.
- (c) Investigations involving alleged criminal activity or the violation of a department rule by the member.
- (d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.
- (e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
- (f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for department planning purposes.
- (g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- (h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Personnel Records*

---

- (i) Medical reports and records made or obtained by the Traverse City Police Department if the records or reports are available to the member from the doctor or medical facility involved.
- (j) Records limited to grievance investigations.

#### **1013.10 RETENTION AND PURGING**

All personnel records shall be maintained in accordance with the established retention schedule as adopted by the City Commission.

- (a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.
- (c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

Once a record has been put into a personnel file, no record shall be destroyed until after a period of seven (7) years has lapsed from the employment separation date.

## Request for Change of Assignment

### 1014.1 PURPOSE AND SCOPE

This policy establishes guidelines for department members to request a change of assignment in response to an announced vacancy or when requesting dismissal from an assignment.

### 1014.2 POLICY

It is the policy of the Traverse City Police Department that all requests for change of assignment be considered in an equitable and nondiscriminatory manner.

### 1014.3 REQUEST FOR CHANGE OF ASSIGNMENT

Members requesting a change of assignment shall submit a request memorandum document through the chain of command to their Division Commanders.

Concerning vacancies, the change of assignment request document provides members with the opportunity to list their qualifications for specific assignments. It should include:

- (a) The member's relevant experience, education and training.
- (b) The specific characteristics of the assignment in which the member is interested.
- (c) In instances of multiple vacancies a separate memorandum should be completed for each request.
- (d) The document will remain in effect until the vacancy is filled.

Concerning dismissal from assignment, the change of assignment request document provides members with the opportunity to explain their request and should include:

- (a) The member's explanation as to why they should no longer be in the assignment.
- (b) The member's opinion concerning the assignment, it's benefit to the department, and recommendations concerning the assignment.
- (c) The document will remain in effect until removal from assignment or the end of the calendar year in which it was submitted. Effective January 1 of each year, members still interested in a change of assignment should complete and submit a new request.

### 1014.4 RESPONSIBILITIES

#### 1014.4.1 SUPERVISORS

Upon receipt of a change of assignment request document, the supervisor shall make appropriate comments on the document and forward it to the member's Division Commander.

#### 1014.4.2 DIVISION COMMANDERS

If the Division Commander receives a change of assignment request document from a member that does not contain supervisor comments, he/she will make appropriate comments and return it to the member without consideration.

# Traverse City Police Department

TCPD Policy Manual

TCPD Policy Manual

## *Request for Change of Assignment*

---

The Division Commander will review all change of assignment requests and submit his/her recommendation to the Chief of Police.

## Commendations and Awards

### 1015.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Traverse City Police Department and individuals from the community.

### 1015.2 POLICY

It is the policy of the Traverse City Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

### 1015.3 COMMENDATIONS

Commendations for members of the Department or for individuals from the community may be initiated by any department member or by any person from the community.

### 1015.5 AWARDS

Awards may be bestowed upon members of the Department and individuals from the community. These awards include:

- Award of Valor.
- Award of Merit.
- Lifesaving Award.
- Meritorious Conduct.

Criteria for each award and the selection, presentation and display of any award are determined by the Chief of Police.

### 1015.5 CRITERIA

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Member's annual physical fitness performance.
- Any action or performance that is above and beyond typical duties.

#### 1015.5.1 DEPARTMENT MEMBER DOCUMENTATION

Members of the Department should document meritorious or commendable acts. The documentation should contain:

- (a) Identifying information:
  1. For members of the Department - name, division and assignment at the date and time of the meritorious or commendable act
  2. For individuals from the community - name, address, telephone number

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Commendations and Awards*

---

- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the member submitting the documentation (Guardian Tracking electronic entry suffices as signature).

#### 1015.5.3 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form (handwritten, email, verbal, video, etc). However, written documentation is preferred. Department members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

- (a) Identifying information:
  - (a) For members of the Department - name, division and assignment at the date and time of the meritorious or commendable act
  - (b) For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the person submitting the documentation.

#### 1015.5.4 PROCESSING DOCUMENTATION

Processing of commendations and awards is handled via the Guardian Tracking (GT) system.

An appropriate venue or ceremony to acknowledge the individual's actions should be arranged. The Chief of Police or the authorized designee will present the commendation to the department member for his/her acceptance and signature. The documentation will then be returned to the Office of the Chief of Police to be routed for entry into the member's personnel file with the Department of Human Resources. Documentation of the commendation shall also be maintained within the member's GT file.

#### [Procedure Manual: 209 GUARDIAN TRACKING](#)

#### 1015.5.4 ANNUAL PHYSICAL FITNESS TESTING

- (a) There are three physical fitness commendations pins recognized by the department. These are awarded based on the member's scores from their annual physical fitness test.
  1. White Commendation
    - (a) Score - 75 % or higher for at least five consecutive years
    - (b) Pin - Silver outline, white background with a centered silver star
  2. Gold Commendation
    - (a) Score - 75 % or higher
    - (b) Pin - Gold outline, red-white-blue background
  3. Silver Commendation



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Commendations and Awards*

---

- (a) Score - 65 % - 74%
- (b) Pin - Silver outline, red background with a centered silver star
- (b) Physical fitness commendation pins shall be worn centered directly above the nametag or service star pin.
- (c) Employees will be required to qualify each year in order to wear the appropriate commendation pin.
- (d) The department manager for this program is responsible for insuring appropriate personnel are awarded commendation pins and for keeping program participation records independently of the GT system.

## **Fitness for Duty**

### **1016.1 PURPOSE AND SCOPE**

Monitoring members' fitness for duty is essential for the safety and welfare of the members of the Department and the community. The purpose of this policy is to ensure that all members of this department remain fit for duty and able to perform their job functions.

### **1016.2 POLICY**

The Traverse City Police Department strives to provide a safe and productive work environment and ensure that all members of this department can safely and effectively perform the essential functions of their jobs. Under limited circumstances, the Department may require a professional evaluation of a member's physical and/or mental capabilities to determine his/her ability to perform essential functions.

### **1016.3 MEMBER RESPONSIBILITIES**

It is the responsibility of each member of this department to maintain physical stamina and psychological stability sufficient to safely and effectively perform the essential duties of his/her position.

During working hours, all members are required to be alert, attentive and capable of performing their assigned responsibilities.

Any member who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that a member believes that another department member is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

### **1016.4 SUPERVISOR RESPONSIBILITIES**

All supervisors should be alert to any indication that a member may be unable to safely perform his/her duties due to an underlying physical or psychological impairment or condition.

Such indications may include:

- (a) An abrupt and negative change in the member's normal behavior.
- (b) A pattern of irrational conduct, hostility or oppositional behavior.
- (c) Personal expressions of instability.
- (d) Inappropriate use of alcohol or other substances, including prescribed medication.
- (e) A pattern of questionable judgment, impulsive behavior or the inability to manage emotions.
- (f) Any other factor or combination of factors causing a supervisor to believe the member may be suffering from an impairment or condition requiring intervention.

Supervisors shall maintain the confidentiality of any information consistent with this policy.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Fitness for Duty*

---

##### 1016.4.1 REPORTING

A supervisor observing a member, or receiving a report of a member, who is perceived to be unable to safely or effectively perform his/her duties shall promptly document all objective information and/or observations.

The supervisor should attempt to meet with the member to inquire about the conduct or behavior giving rise to the concerns.

If a meeting does not resolve the supervisor's concerns or does not take place, the supervisor shall promptly document his/her observations and actions in a written report and inform his/her immediate supervisor.

##### 1016.4.2 DUTY STATUS

In conjunction with the the member's Division Commander, the supervisor should make a preliminary determination regarding the member's duty status.

If a determination is made that the member can safely and effectively perform the essential functions of his/her job, the member should be returned to duty and arrangements made for appropriate follow-up.

If a preliminary determination is made that the member's conduct or behavior represents an inability to safely and effectively perform the essential functions of his/her job, the Division Commander should immediately relieve the member of duty pending further evaluation.

Employees relieved of duty shall comply with the administrative leave provisions of the Personnel Complaints Policy.

The Chief of Police shall be promptly notified in the event that any member is relieved of duty.

#### **1016.5 FITNESS-FOR-DUTY EVALUATIONS**

A fitness-for-duty evaluation may be ordered whenever circumstances reasonably indicate that a member is unfit for duty or following an officer-involved shooting or death-in-custody incident.

##### 1016.5.1 PROCESS

The Chief of Police, in cooperation with the Department of Human Resources, may order the member to undergo a fitness-for-duty evaluation.

The examining practitioner will provide the Department with a report indicating whether the member is fit for duty. If the member is not fit for duty, the practitioner will include the existing restrictions or conditions in the report.

In order to facilitate the evaluation of any member, the Department will provide all appropriate documents and available information.

All reports and evaluations submitted by the examining practitioner shall be part of the member's confidential medical file.

Any member ordered to undergo a fitness-for-duty evaluation shall comply with the terms of the order and cooperate fully with the examining practitioner. Any failure to comply with such an order

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Fitness for Duty*

---

and any failure to cooperate with the practitioner may be deemed insubordination and shall subject the member to discipline, up to and including termination.

Determinations regarding duty status of members who are found to be unfit for duty or fit for duty with limitations will be made in cooperation with the Department of Human Resources.

#### **1016.6 ANNUAL PHYSICAL FITNESS TEST**

A voluntary annual physical fitness test, facilitated by the Department's physical training manager, is offered to help employees maintain physical stamina to safely and effectively perform the essential duties of his/her position.

There are three components to the annual physical test:

- (a) A 1.5-mile run or a 6.2-mile stationary bike ride.
- (b) Push-ups.
- (c) Sit-ups.

The testing will take place between September 1 and December 31 of the calendar year. Employees will be notified of the date and time of their physical test by the Department's physical training manager.

In preparation for the annual physical fitness test, each member is advised to develop a regular exercise routine at least twelve weeks prior to the testing date. The exercise routine should focus on strengthening the areas that will be tested. To assist further, each member of the Department should consult with their primary care physician and schedule to have an annual physical exam. A healthy well balanced diet should be incorporated along with a regular exercise routine.

Upon completion of the physical fitness testing, each member will be recognized and compensated accordingly. A commendation pin will be awarded to each participant who achieves designated scores as outlined in the Commendations and Awards policy. Participants shall be compensated per the respected member's collective bargaining unit agreement.

#### **1016.7 LIMITATION ON HOURS WORKED**

Absent emergency operations, members should not work more than:

- 18 hours in a one-day (24 hour) period
  - one 18 hour shift
- 48 hours in any three-day (72 hours) period
  - two 18 hour shifts and one 12 hour shift
- 102 hours in any seven-day (168 hours) period
  - three 18 hour shifts and four 12 hour shifts

Except in unusual circumstances, members should have a minimum of six (6) continuous hours off prior to and after the completion of a shift. Supervisors should give consideration to reasonable

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Fitness for Duty*

---

rest periods and are authorized to deny overtime or relieve any member who has exceeded the above guidelines to off-duty status.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

#### **1016.8 APPEALS**

Employees disputing the application or interpretation of this policy may submit a grievance as provided in the Grievances Policy.

## Meal Periods and Breaks

### 1017.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the availability of meal periods and breaks.

### 1017.2 POLICY

It is the policy of the Traverse City Police Department to provide meal periods and breaks to members of this department in accordance with the applicable collective bargaining agreement and the City personnel manual.

### 1017.3 MEAL PERIODS

Officers and dispatchers shall remain on-duty subject to call during meal periods. All other members are not on-call during meal periods unless directed otherwise by a supervisor.

Uniformed patrol and traffic officers shall request clearance from the dispatcher prior to taking a meal period. Uniformed officers shall take their meal periods within the City limits and shall monitor the police radio, unless on assignment outside of the City.

The time spent for the meal period shall not exceed the authorized time allowed.

### 1017.4 BREAKS

Each member is entitled to a 15-minute break, near the midpoint, for each four-hour work period. Only one break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of a member's shift unless approved by a supervisor.

Members normally assigned to the police facility should remain at the police facility for their breaks. This does not prohibit them from taking a break away from the facility if they are on official business.

Members assigned to field duties will take their breaks in their assigned areas, subject to call, and shall monitor the police radio. When such members take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of the dispatcher.

## Lactation Breaks

### 1018.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to members desiring to express breast milk for the member's infant child.

### 1018.2 POLICY

It is the policy of the Traverse City Police Department to provide, in compliance with the Fair Labor Standards Act (FLSA), reasonable break time and appropriate facilities to accommodate any member desiring to express breast milk for her infant nursing child for up to one year after the child's birth (29 USC § 207).

### 1018.3 LACTATION BREAK TIME

A rest period should be permitted each time the member has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Members desiring to take a lactation break shall notify the dispatcher or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

### 1018.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

# Traverse City Police Department

TCPD Policy Manual

TCPD Policy Manual

## *Lactation Breaks*

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### **1018.5 STORAGE OF EXPRESSED MILK**

Any member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the member's shift ends.



## Payroll Records

### **1019.1 PURPOSE AND SCOPE**

This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

### **1019.2 POLICY**

The Traverse City Police Department maintains timely and accurate payroll records.

### **1019.3 RESPONSIBILITIES**

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

### **1019.4 TIME REQUIREMENTS**

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Office of the Chief of Police as established by the City payroll procedures.

### **1019.5 RECORDS**

The Office of the Chief of Police shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5; MCL 408.479).

## Overtime Compensation

### 1020.1 PURPOSE AND SCOPE

This policy establishes guidelines and procedures regarding overtime for employees, in conformance with the Fair Labor Standards Act (FLSA) (29 USC § 201 et seq.).

### 1020.2 POLICY

The Traverse City Police Department will compensate nonexempt employees who work authorized overtime either by payment of wages or by the accrual of compensatory time (29 CFR 553.22). Employees who are salary exempt from FLSA are not compensated for overtime worked.

### 1020.3 COMPENSATION

Payment of wages to nonexempt employees for overtime, or accrual of compensatory time in lieu of compensation for overtime worked, shall be at the rate of not less than one and one-half hours for each hour of employment for which overtime compensation is required (29 USC § 207(k)(2); 29 USC § 207(o)(1)).

Short periods of overtime worked at the end of the normal duty day (e.g., less than one hour in duration) may be handled informally by an agreement between the supervisor and the employee. In such cases, the supervisor shall document the overtime worked and schedule a subsequent shift adjustment within the same work period that the overtime was worked, rather than submit a request for overtime compensation (29 USC § 207(k)).

Salary exempt employees may be eligible for administrative leave, which may be granted at the discretion of the exempt employee's immediate supervisor.

### 1020.4 REQUESTS FOR OVERTIME COMPENSATION

#### 1020.4.1 EMPLOYEE RESPONSIBILITIES

Generally, no employee is authorized to work overtime without the prior approval of a supervisor. If circumstances do not permit prior approval, approval shall be sought as soon as practicable during the overtime shift and in no case later than the end of the shift in which the overtime is worked.

Nonexempt employees shall:

- (a) Obtain supervisory approval, verbal or written.
- (b) Not work in excess of 18 hours, including regularly scheduled work time, overtime and extra-duty time, in any consecutive 24-hour period without supervisory approval.
- (c) Record the actual time worked in an overtime status using the department-approved form or method. Informal notations on reports, logs or other forms not approved for overtime recording are not acceptable.
- (d) Submit the request for overtime compensation to their supervisors by the end of shift or no later than the next calendar day.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Overtime Compensation*

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##### 1020.4.2 SUPERVISOR RESPONSIBILITIES

Supervisors shall:

- (a) Prior to authorizing an employee to work overtime, evaluate the need for the overtime.
  1. Supervisors should not authorize any request to work overtime if the overtime would not be an appropriate use of department resources.
- (b) Upon receipt of a request for overtime compensation, confirm that the overtime was authorized and then verify the actual time worked.
  1. Supervisors identifying any unauthorized overtime or discrepancy shall initiate an investigation consistent with the Personnel Complaints Policy.
- (c) After verifying and approving the overtime amount, promptly forward the request for compensation to the employee's Division Commander for final approval.
  1. After the Division Commander has authorized compensation, the request shall be submitted to Office of the Chief of Police as soon as practicable.

Supervisors may not authorize or approve their own overtime.

##### 1020.5 ACCOUNTING FOR PORTIONS OF AN HOUR

Authorized overtime work shall be accounted in the increments as listed:

TIME WORKED	INDICATE
Up to 15 minutes	.25 hour
16 to 30 minutes	.50 hour
31 to 45 minutes	.75 hour
46 to 60 minutes	1 hour

##### 1020.5.1 VARIATION IN TIME REPORTED

When two or more employees are assigned to the same activity, case or court trial, and the amount of time for which overtime compensation is requested varies among the officers, the Shift Commander or other approving supervisor may require each employee to include the reason for the variation on the overtime compensation request.

##### 1020.6 REQUESTING USE OF COMPENSATORY TIME

Employees who have accrued compensatory time shall be allowed to use that time for time off within a reasonable period after making a request, if the request does not unduly disrupt department operations. Requests to use compensatory time will be submitted to the employee's supervisor at least 24 hours in advance of its intended use. Supervisors may make exceptions in unusual or extraordinary circumstances.

Compensatory time may not be used for time off for a date and time when the employee is required to appear in court on department-related matters. Supervisors shall not unreasonably deny employee requests to use compensatory time (29 CFR 553.25).

## Off-Duty and Extra-Duty Employment

### 1021.1 PURPOSE AND SCOPE

This policy provides guidelines for department members who seek to engage in authorized off duty (outside) or extra-duty employment.

#### 1021.1.1 DEFINITIONS

Definitions related to this policy include:

**Off-Duty Employment** - Any employment that will not require the use or potential use of law enforcement powers by the off-duty employee. Duties or services performed by members of this department for another employer, organization or individual who is not affiliated directly with this department when wages, compensation or other consideration for such duties or services is received. Outside employment also includes duties or services performed by those members who are self-employed and receive compensation or other consideration for services, products or benefits rendered.

**Extra-Duty Employment** - Any employment that is conditioned on the actual or potential use of law enforcement powers by the police officer employee when the officer is employed and compensated by outside organizations. Duties or services performed by members of this department for a private organization, entity or individual, that are requested and scheduled directly through the Department. Member compensation, benefits and costs for such outside services are reimbursed to the Department.

### 1021.2 POLICY

Full-time members of the Traverse City Police Department shall obtain written approval from the Chief of Police or the authorized designee prior to engaging in any off-duty or extra-duty employment. Approval of off-duty or extra-duty employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy. Failure to obtain prior written approval for off-duty or extra-duty employment or engaging in off-duty or extra-duty employment that is prohibited by this policy may lead to disciplinary action.

### 1021.3 OFF-DUTY EMPLOYMENT

#### 1021.3.1 REQUEST AND APPROVAL

Members must submit an off-duty employment request memo to their immediate supervisors. The request will then be forwarded through the chain of command to the Chief of Police for consideration.

The request memo must contain the following information:

- (a) The name, address and telephone number of the employer.
- (b) The business in which the employer engages.
- (c) The job title and duties that are expected to be performed.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Off-Duty and Extra-Duty Employment*

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- (d) The expected days and hours of work.

If approved, the member will be provided with a copy of the approved request that has been initialed and noted as approved by the Chief of Police. Unless otherwise indicated in writing on the request, approval for off-duty employment will be valid through the end of the calendar year in which the request is approved. Members seeking to continue off-duty employment must submit a new request at the start of each calendar year.

#### 1021.3.2 DENIAL

Any member whose request for off-duty employment has been denied should be provided with a written notification of the reason at the time of the denial.

#### 1021.3.3 REVOCATION OR SUSPENSION

Any member whose approval for off-duty employment is revoked or suspended should be provided with a written notification of the reason for revocation or suspension.

Approval for off-duty employment may be revoked or suspended:

- (a) When a supervisor determines the member's performance is failing to meet standards and the off-duty employment may be related to the deficient performance.
  - 1. Approval for the off-duty employment may be reestablished when the member's performance has reached a satisfactory level and with his/her supervisor's authorization.
- (b) When a member's conduct or off-duty employment conflicts with department policy or any law.
- (c) When the off-duty employment creates an actual or apparent conflict of interest with the Department or City.

#### 1021.3.4 APPEAL

If a member's request for off-duty employment is denied or if previous approval is revoked or suspended, the member may file a written notice of appeal with the Chief of Police within 10 days of receiving notice of the denial, revocation or suspension.

A revocation or suspension will only be implemented after the member has completed the appeal process.

If the member's appeal is denied, he/she may file a grievance as provided in the Grievances Policy.

### **1021.4 REQUIREMENTS**

#### 1021.4.1 PROHIBITED OFF-DUTY EMPLOYMENT

The Department reserves the right to deny any request for off-duty employment that involves:

- (a) The use of department time, facilities, equipment or supplies.
- (b) The use of the Traverse City Police Department badge, uniform or influence for private gain or advantage.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Off-Duty and Extra-Duty Employment*

---

- (c) The member's receipt or acceptance of any money or other consideration for the performance of duties or services that he/she would be required or expected to render in the course or hours of his/her employment, appointment or as a part of his/her regular duties.
- (d) The performance of duties or services that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other member of this department.
- (e) Demands upon the member's time that would render the performance of his/her duties for this department deficient or substandard.
- (f) Activities that may conflict with any other policy or rule of the Department.

#### 1021.4.2 SECURITY AND LAW ENFORCEMENT OFFICER OFF-DUTY EMPLOYMENT

No full time member of this department may engage in any off-duty employment as a law enforcement officer, private security guard, private investigator or other similar private security position without expressed written approval of the Chief of Police. Reserve members who wish to engage in a similar role shall submit a written notification to the Office of the Chief prior to doing so.

#### 1021.4.3 DEPARTMENT RESOURCES

Members are prohibited from using any department equipment or resources in the course of, or for the benefit of, any off-duty employment. This shall include the prohibition against any member using his/her position with this department to gain access to official records or databases of this department or other agencies.

#### 1021.4.4 CHANGES IN OFF-DUTY EMPLOYMENT STATUS

If a member terminates his/her off-duty employment, the member shall promptly submit written notification of such termination to the Chief of Police through the chain of command. Any subsequent request for renewal or continued off-duty employment must thereafter be processed and approved through the procedures set forth in this policy.

Members shall also promptly submit in writing to the Chief of Police any material changes in off-duty employment, including any change in the number of hours, type of duties or the demands of any approved off-duty employment. Members who are uncertain whether a change in off-duty employment is material are advised to report the change.

#### 1021.4.5 LEAVE OR RESTRICTED DUTY STATUS

Members who are placed on leave or other restricted duty status shall inform their immediate supervisors in writing within five days as to whether they intend to continue their off-duty employment while on such leave or restricted status. The immediate supervisor shall review the duties of the off-duty employment, along with any related orders (e.g., administrative, medical), and make a recommendation to the Chief of Police regarding whether such employment should continue.

In the event that the Chief of Police determines that the off-duty employment should be discontinued, or if the member fails to promptly notify his/her supervisor of his/her intention

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Off-Duty and Extra-Duty Employment*

---

regarding off-duty employment, a notice revoking approval of the off-duty employment will be forwarded to the member and a copy attached to the original off-duty employment request form.

Criteria for revoking approval due to leave or restricted duty status include, but are not limited to:

- (a) The off-duty employment is medically detrimental to the total recovery of the disabled member, as indicated by the City's medical professional advisers.
- (b) The off-duty employment requires performance of the same or similar physical ability as would be required of an on-duty member.
- (c) The member's failure to make timely notice of his/her intention to the supervisor.

When the member returns to full duty with the Traverse City Police Department, a written request may be submitted to the Chief of Police to approve the off-duty employment request.

#### **1021.5 EXTRA-DUTY EMPLOYMENT**

##### **1021.5.1 REQUESTS FOR SPECIAL SERVICES**

Any private organization, entity or individual seeking special services (e.g., security, traffic control) from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such services will be assigned, monitored and compensated through the Department as extra-duty assignments.

- (a) A request for special services during or at the site of a strike, lockout, picket or other physical demonstration of a labor dispute will not be approved.
- (b) The requester will be required to enter into an agreement that includes indemnification with the Department prior to approval.
- (c) The requester will be required to reimburse the Department for the members' compensation, benefits and costs (e.g., court time) associated with such outside services.
- (d) Should such a request be approved, any member working extra-duty shall be subject to the following conditions:
  - 1. The member shall wear the department uniform and carry department identification.
  - 2. The member shall be subject to the rules and regulations of this department.
  - 3. Compensation for such approved extra-duty shall be pursuant to normal overtime procedures (see the Overtime Compensation Policy).
- (e) Extra-duty shall be assigned at the discretion of the Chief of Police or the authorized designee.

##### **1021.5.2 ARREST AND REPORTING PROCEDURE**

Any officer making an arrest or taking other official law enforcement action while working in an extra-duty assignment shall be required to complete all related reports in a timely manner pursuant to the Report Preparation Policy. Time spent on the completion of such reports shall be considered part of the extra-duty assignment.

# Traverse City Police Department

TCPD Policy Manual

TCPD Policy Manual

## *Off-Duty and Extra-Duty Employment*

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### 1021.5.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, undercover officers or officers assigned to covert operations shall not be eligible to work extra-duty in a uniformed or other capacity that could reasonably disclose the officer's law enforcement status.



## Work-Related Illness and Injury Reporting

### 1022.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding timely reporting of work-related injuries, mental disabilities and occupational illnesses.

#### 1022.1.1 DEFINITIONS

Definitions related to this policy include:

**Work-related illness or injury** - Injuries, mental disabilities or diseases which arise out of, and in the course of, employment (MCL 418.301).

### 1022.2 POLICY

The Traverse City Police Department will address work-related injuries, mental disabilities and occupational illnesses appropriately, and will comply with applicable state workers' compensation requirements.

### 1022.3 RESPONSIBILITIES

#### 1022.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational illness or work-related injury shall report such event as soon as practicable, but within 24 hours to a supervisor, complete City reporting forms as soon as practicable, and shall seek medical care when appropriate.

[Procedure Manual: 1022.2 REPORTING REQUIREMENT](#)

#### 1022.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any work-related injury or occupational illness should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding City reporting and workers' compensation are completed, to include a meaningful review of all occupational injuries and exposures and forwarded promptly. Any related City wide injury or illness reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

#### 1022.3.3 DIVISION COMMANDER RESPONSIBILITIES

The Division Commander who receives a report of an occupational illness or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police, the City's risk management entity and the Office of the Chief of Police Division Commander to ensure any required Michigan Occupational Safety and Health Administration (MIOSHA) reporting is made as required in the illness and injury prevention plan identified in the Illness and Injury Prevention Policy.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Work-Related Illness and Injury Reporting*

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##### 1022.3.4 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police shall review and forward copies of the report to the Department of Human Resources. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

##### **1022.4 OTHER ILLNESS OR INJURY**

Illnesses and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Division Commander through the chain of command and a copy sent to the Office of the Chief of Police Division Commander.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

##### **1022.5 SETTLEMENT OFFERS**

When a member sustains an occupational illness or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

##### 1022.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational illness or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the illness or injury, and to protect the City's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

## Personal Appearance Standards

### 1023.1 PURPOSE AND SCOPE

This policy provides guidelines for the personal appearance of members of the Traverse City Police Department.

Requirements for department uniforms and civilian attire are addressed in the Uniforms and Civilian Attire Policy.

### 1023.2 POLICY

Traverse City Police Department members shall maintain their personal hygiene and appearance to project a professional image that is appropriate for this department and for their assignments. Department personal appearance standards are primarily based on safety requirements, appearance conformity and the social norms of the community served while considering matters important to members of the Department.

The Chief of Police, or their designee, has the final authority in determining acceptable standards for personal appearance and grooming.

### 1023.3 GROOMING

Unless otherwise stated and because deviations from these standards may present officer safety issues, the following appearance standards shall apply to all members, except those whose current assignments would deem them not applicable, and where the Chief of Police has granted an exception.

#### 1023.3.1 PERSONAL HYGIENE

All members must maintain proper personal hygiene. Examples of improper personal hygiene include, but are not limited to, dirty fingernails, bad breath, body odor and dirty or unkempt hair. Any member who has a condition due to a protected category (e.g., race, physical disability) that affects any aspect of personal hygiene covered by this policy may qualify for an accommodation and should report any need for an accommodation to the Chief of Police.

#### 1023.3.2 HAIR

Hair shall be clean, neatly trimmed or arranged, and of a natural hair color. Hairstyles with shaved designs in the scalp are prohibited. Hair adornments shall be primarily for the purpose of securing the hair and must present a professional image.

Hairstyles for male department members must not extend below the top edge of a uniform or dress shirt collar while assuming a normal stance.

When working a field assignment, hairstyles for female department members must not extend below the bottom edge of a uniform or dress shirt collar while assuming a normal stance. Longer hair shall be worn up or in a tightly wrapped braid or ponytail that is secured to the head above the bottom edge of the shirt collar.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Personal Appearance Standards*

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##### 1023.3.3 MUSTACHES

A mustache may be worn as long as it is neatly trimmed and maintained. Mustaches shall follow the natural arch of the mouth and may not exceed the upper border of the lip or extend more than 1/4-inch horizontally beyond the corners of the mouth.

##### 1023.3.4 SIDEBURNS

Sideburns, or any hair worn in front of the ear, shall be neatly trimmed and tapered. Sideburns shall not extend below the lowest part of the exterior opening of the ear and must end with a clean horizontal line, not flared at the bottom.

##### 1023.3.5 BEARDS AND GOATEES

Beards and goatees are permitted, but must be neat, clean, and well maintained to present a professional appearance. Beard and goatee facial hair shall not exceed 1/4-inch in length, must be accompanied by a mustache, and be contiguous with no designs shaved into it. Facial hair may not extend 1/4 inch below the bottom of the chin; the neck area below the chin shall be clean-shaven to allow for a proper respirator/gas mask fit. Members may be required to shave facial hair to allow for proper respirator/gas mask fit if the facial hair impedes the required seal of the mask.

If a department member intends to grow facial hair, they must initiate growing the facial hair during a period of at least two consecutive days off to not give the appearance of failing to shave.

##### 1023.3.6 FINGERNAILS

Fingernails shall be clean and neatly trimmed to a length that will not present a safety concern. The color of fingernail polish shall present a professional image.

#### **1023.4 APPEARANCE**

##### 1023.4.1 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the department member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

- (a) Necklaces shall not be visible above the shirt collar.
- (b) Earrings shall be small and worn only in or on the earlobe.
- (c) One ring or ring set may be worn on each hand of the department member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.
- (d) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.
- (e) Wristwatches shall be conservative and present a professional image.
- (f) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Personal Appearance Standards*

---

##### 1023.4.2 TATTOOS, BODY ART, BRANDINGS, INTENTIONAL SCARRING, OR OTHER BODY MODIFICATIONS

While on duty or representing the Traverse City Police Department in any official capacity, members should make every reasonable effort to conceal tattoos or other body art. At no time while the member is on-duty or representing the Department in any official capacity shall any offensive tattoo or body art be visible. A visible tattoo is one that is on any portion of the body that is not covered by clothing.

- (a) Tattoos, body art, brandings, intentional scarring, or other body modifications are not permitted on the face, neck, ears, scalp, or hands.
  - 1. Permanent eyeliner, eyebrow, or similar type of permanent make-up, although considered a tattoo, shall not be considered a violation, nor shall it need to be covered up as required in this policy, as long as the permanent makeup is of a natural appearance and conforms to the norms of the community we serve.
- (b) Tattoos, brandings, or intentional scarring in any location that are gang-related; convey sexual, racial, religious, ethnic, or related intolerances; promote a partisan political statement or expression, or that portray derogatory or offensive characterizations contrary to the values of this department are prohibited.
  - 1. The Chief of Police, or their designee, has the final say regarding the offensive nature of a tattoo.

Any member seeking to obtain body modifications as described within this policy shall first consult with the Chief of Police, or their designee, prior to any modifications taking place.

##### 1023.4.3 BODY PIERCING OR ALTERATION

Body piercing (other than earlobes) or alteration to any area of the body that is visible while on-duty or while representing the Traverse City Police Department in any official capacity, that is a deviation from normal anatomical features and that is not medically required, is prohibited. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement (i.e., foreign objects inserted under the skin to create a design or pattern).
- (c) Abnormal shaping of the ears, eyes, nose or teeth (i.e., enlarged or stretched out holes in the earlobes).

##### 1023.4.4 DENTAL ORNAMENTATION

Dental ornamentation that is for decorative purposes and that is not medically required is prohibited while on-duty or while representing the Traverse City Police Department in any official capacity. Such ornamentation includes, but is not limited to:

- (a) Objects that are bonded to front teeth.
- (b) Gold, platinum or other veneers or caps used for decorative purposes.
- (c) Orthodontic appliances that are colored for decorative purposes.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Personal Appearance Standards*

---

##### 1023.4.5 GLASSES AND CONTACT LENSES

Eyeglasses and sunglasses shall be conservative and present a professional image. Contact lenses with designs that change the normal appearance of the eye and that are not medically required are prohibited while on-duty or while representing the Traverse City Police Department in any official capacity.

##### 1023.4.6 COSMETICS AND FRAGRANCES

Cosmetics shall be conservative and present a professional image. Use of cologne, perfume, aftershave lotion and other items used for body fragrance shall be kept to a minimum.

##### 1023.4.7 UNDERGARMENTS

Proper undergarments shall be worn as necessary for reasons of hygiene and general appearance standards.

#### **1023.5 RELIGIOUS ACCOMMODATION**

The religious beliefs and needs of department members should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The Chief of Police should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves, simple head coverings, certain hairstyles or facial hair for religious reasons should generally be accommodated absent unusual circumstances.

## Uniforms and Civilian Attire

### 1024.1 PURPOSE AND SCOPE

This policy provides guidelines for Traverse City Police Department-authorized uniforms and civilian attire regulations. It is established to ensure that uniformed members will be readily identifiable to the public through the proper use and wearing of department uniforms, and that the appearance of members who wear civilian attire reflects favorably on the Department.

This policy addresses the wearing and maintenance of department uniforms, accessories, insignia, patches and badge; the requirements for members who wear civilian attire; and the authorized use of optional equipment and accessories by members of the Department.

Other related topics are addressed in the Badges, Patches and Identification, Department-Owned and Personal Property, and Personal Appearance Standards policies.

### 1024.2 POLICY

The Traverse City Police Department will provide uniforms for all employees who are required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement. The Department may provide other department members with uniforms at the direction of the Chief of Police.

All uniforms and equipment issued to department members shall be returned to the Department upon termination or resignation.

### 1024.3 UNIFORMS

The Chief of Police or the authorized designee shall maintain and update uniform and equipment specifications, which should be consulted by all members as needed. Uniforms shall be worn as described therein and as specified in this policy.

The following shall apply to those assigned to wear department-issued uniforms:

- (a) Uniforms and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean and appear professionally pressed.
- (b) Officers in a non-uniformed assignment shall possess and maintain at all times a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Uniforms shall be worn in compliance with any applicable department specifications.
- (d) Members shall wear only the uniforms specified for their ranks and assignments.
- (e) Civilian attire shall not be worn in combination with any distinguishable part of a uniform.
- (f) Uniforms are only to be worn while on-duty, for court, at official department functions or events, while in transit to or from work, or when authorized by the Chief of Police or the authorized designee.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Uniforms and Civilian Attire*

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1. When the uniform is worn while in transit in a personal vehicle, a non-uniform outer garment shall be worn over the uniform shirt to avoid bringing attention to the member while he/she is off-duty.
- (g) Members are not to purchase or drink alcoholic beverages while wearing any part of department-issued uniforms, including the uniform pants.
- (h) All supervisors will perform periodic inspections of members under their commands to ensure conformance to this policy.

#### 1024.3.1 ACCESSORIES

Members shall adhere to the following when wearing department uniforms:

- (a) Mirrored sunglasses will not be worn.
- (b) Jewelry shall be in accordance with the specifications in the Personal Appearance Standards Policy.

#### 1024.3.2 INSIGNIA, PATCHES AND BADGE

Only the following elements may be affixed to department uniforms unless an exception is authorized by the Chief of Police:

- (a) Shoulder patch - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of designated uniform shirts and jackets.
- (b) Badge - The department-issued badge, or an authorized sewn-on cloth replica, must be worn and visible at all times while in uniform.
  1. When a jacket is worn, the badge, or an authorized sewn-on cloth replica, shall be affixed to the jacket in the same manner as the uniform.
- (c) Nameplate - The regulation nameplate, or an authorized sewn-on cloth nameplate, shall be worn at all times while in uniform.
  1. When a jacket is worn as the outer most layer of the uniform, the nameplate, or an authorized sewn-on cloth nameplate, shall be affixed to the jacket in the same manner as the uniform.
- (d) Rank insignia - The designated insignia indicating the member's rank must be worn at all times while in uniform.
- (e) Service insignia - The designated insignia indicating the member's length of service may be worn on class A, B and dress uniforms. The insignia shall be a departmentally supplied pin displayed directly above the member's nameplate.
- (f) Assignment insignias - Assignment insignias (e.g., Emergency Response Team(ERT), Field Training Officer (FTO)) may be worn as designated by the Chief of Police.
- (g) American flag pin - An American flag pin may be worn centered below the badge on the pocket flap.
- (h) Award/commendation insignia - Insignia representing an award or commendation received under the Commendations and Awards Policy, or other recognition authorized by the Chief of Police, may be worn, centered above the service insignia



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Uniforms and Civilian Attire*

---

pin. If more than two awards are worn, the insignia may be equally spaced in one or two horizontal rows centered above the nameplate in a manner that provides a balanced appearance.

#### 1024.3.3 MOURNING BAND

Uniformed members shall wear a black mourning band across the department badge whenever a law enforcement officer is killed in the line of duty or as directed by the Chief of Police. The following mourning periods will be observed:

- (a) Traverse City Police Department officer - From the time of death until midnight on the 14th day after the death.
- (b) An officer from the state of Michigan - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of an out-of-region fallen officer.
- (d) National Peace Officers' Memorial Day (May 15) - From Sunday, 0001 hours until 2359 hours Saturday on the week in which it falls.
- (e) As directed by the Chief of Police.

#### 1024.4 UNIFORM CLASSES

The Chief of Police or the authorized designee shall determine the uniform to be worn by each department member or any deviations that may be authorized.

Uniforms are classified as follows:

- (a) Class A - Standard issue uniform to be worn for court appearances, public speaking engagements and formalized events.
- (b) Class B - Standard issue duty uniform to be worn daily by designated department members.
- (c) Class C - General utility (fatigue) uniform to be worn by designated department members.
- (d) Specialized assignment - Specific uniforms to be worn by members in special assignments or divisions.
- (e) Training - Specific uniforms to be worn by members during classroom training sessions.
- (f) Dress Uniform - Full dress uniform to be worn by designated department members on special occasions, such as funerals, graduations, ceremonies, or as directed by the Chief of Police or the authorized designee.

#### 1024.4.1 CLASS A UNIFORM

The class A uniform consists of two types of uniform shirts; long and short sleeve. Long sleeve shirts shall be worn during the colder months and short sleeve during the warmer months (generally the first part of April until November). The Patrol Services Division Commander shall be responsible for determining the uniform of the day and the issuance of the change order.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Uniforms and Civilian Attire*

---

The Class A uniform consists of the following:

- (a) Pershing style dress hat
- (b) Dark navy blue long-sleeve or short sleeve shirt
  1. Whistle chain and whistle off the right epilate to the right breast pocket.
  2. All shirt buttons must remain buttoned except for the top button.
  3. Long sleeves must be buttoned at the cuff.
  4. Tie and tie bar are optional for long sleeve shirts. If worn all shirt buttons must be buttoned.
- (c) A black crew neck t-shirt must be worn under the uniform shirt
- (d) Dark navy blue trousers
- (e) Black belt
  1. Belts shall be equipped as needed for the member's assignment.
- (f) Black socks of sufficient height to cover the ankle.
- (g) Black polished duty shoes or boots
  1. Boots with pointed toes are not permitted.
  2. Decorative stitching or adornment is not permitted.
- (h) Weather-appropriate items
  1. TCPD watch cap
  2. TCPD ball cap with Shift Commander approval
  3. Jacket (metal name plate affixed)
  4. Rain gear

#### 1024.4.2 CLASS B UNIFORM

The class B uniform consists of two types of uniform shirts; long and short sleeve. Long sleeve shirts shall be worn during the colder months and short sleeve during the warmer months (generally the first part of April until November). The Patrol Services Division Commander shall be responsible for determining the uniform of the day and the issuance of the change order.

- (a) TCPD ball cap or watch cap
- (b) Dark navy blue long-sleeve or short sleeve class B polo shirt (patched)
- (c) Exterior load bearing vest
  1. only department issued or authorized equipment may be affixed to the vest
- (d) Dark navy blue class B trousers worn outside of the boots
- (e) Black belt
  1. Belts shall be equipped as needed for the member's assignment, but the primary equipment load shall be as specified on the exterior load bearing vest.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Uniforms and Civilian Attire*

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- (f) Black socks of sufficient height to cover the ankle.
- (g) Black polished duty shoes or boots
  - 1. Boots with pointed toes are not permitted.
  - 2. Decorative stitching or adornment is not permitted.
- (h) Weather-appropriate items
  - 1. Jacket (worn under load bearing vest)
  - 2. Rain gear

#### 1024.4.3 CLASS C UNIFORM

The Class C uniform consists of the following:

- (a) TCPD ball cap or watch cap
- (b) Dark navy blue fatigue shirt
- (c) A black crew neck t-shirt must be worn under the uniform shirt
- (d) Dark navy blue fatigue trousers bloused in boots
- (e) Black belt
- (f) Black polished boots
- (g) Rank insignia shall consist of a designating patch displayed on the box plate of the shirt directly below the third button from the top

#### 1024.4.4 SPECIALIZED ASSIGNMENT UNIFORM

The Chief of Police or the authorized designee may authorize certain uniforms to be worn by members in specialized assignments, such as canine handlers, the ERT, bicycle patrol, motor officers and other specific assignments.

#### 1024.4.5 TRAINING UNIFORMS

Training orders and announcements should indicate required uniform and equipment.

- (a) Members attending classroom training shall wear department issued polo shirts and khakis or similar appearing trousers. The remaining portion of their clothing shall be in compliance with the civilian attire section of this policy.
- (b) Members attending training consisting of physical and/or outdoor activity will be directed to wear Class C uniforms.

#### 1024.4.6 DRESS UNIFORM

The dress uniform consists of the following:

- (a) Pershing style dress hat
- (b) Department Blazer
- (c) Long-sleeve shirt
- (d) Tie and tie bar

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Uniforms and Civilian Attire*

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- (e) Trousers
- (f) Black belt and suicide belt
  - 1. Belts shall be equipped as needed for the member's assignment.
- (g) Black socks of sufficient height to cover the ankle.
- (h) Black high gloss polished dress shoes
- (i) White gloves

#### **1024.5 CIVILIAN ATTIRE**

There are assignments within the Department that do not require a uniform because recognition and authority are not essential to their functions. There are also assignments for which civilian attire is necessary.

- (a) Civilian attire shall fit properly, be clean and free of stains, and not be damaged or excessively worn.
- (b) Members assigned to administrative, investigative and support positions shall wear business-appropriate clothing that is conservative in style.
- (c) Variations from this policy are allowed at the discretion of the Chief of Police or the authorized designee when the member's assignment or current task is not conducive to wearing such clothing.
- (d) No item of civilian attire may be worn while on-duty that would adversely affect the reputation of the Traverse City Police Department or the morale of the members.
- (e) The following items shall not be worn while on-duty or when representing the Department in any official capacity:
  - 1. Clothing that reveals cleavage, the back, chest, stomach or buttocks
  - 2. T-shirt alone or exposed undergarments
  - 3. Swimsuits, tank tops, tube tops or halter tops
  - 4. Sweatshirts, sweatpants or similar exercise clothing
  - 5. Spandex-type pants or transparent clothing
  - 6. Denim pants of any color
  - 7. Shorts
  - 8. Open-toed shoes (sworn personnel only)
  - 9. Clothing, buttons or pins displaying racial, sexual, discriminatory, gang-related or obscene language

#### **1024.6 OPTIONAL EQUIPMENT**

Any items that are allowed by the Traverse City Police Department but that have been identified as optional shall be purchased entirely at the expense of the member. No part of the purchase cost shall be offset by the department.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Uniforms and Civilian Attire*

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Maintenance of optional items shall be the financial responsibility of the purchasing member (e.g., repairs due to normal wear and tear).

Replacement of items listed in this policy as optional shall be managed as follows:

- (a) When the item is no longer functional because of normal wear and tear, the member bears the full cost of replacement.
- (b) When the item is no longer functional because of damage in the course of the member's duties, it shall be replaced in accordance with the Department-Owned and Personal Property Policy.

#### **1024.7 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES**

Traverse City Police Department members may not wear or alter any uniform item, accessory or attachment unless specifically authorized by the Chief of Police or the authorized designee.

Department members may not use or carry any safety item, tool or other piece of equipment unless specifically authorized by the Chief of Police or the authorized designee.

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## Conflict of Interest

### 1026.1 PURPOSE AND SCOPE

The purpose of this policy is to assist members in recognizing and avoiding potential conflicts of interest, thereby ensuring effective and ethical operating practices on the part of the Traverse City Police Department.

#### 1026.1.1 DEFINITIONS

Definitions related to this policy include:

**Conflict of interest** - Any actual, perceived or potential conflict, in which it reasonably appears that a member's action, inaction or decisions are or may be influenced by a personal or business relationship.

### 1026.2 POLICY

Members of the Traverse City Police Department are expected to conduct themselves with the utmost professional integrity and objectivity. Members will guard against actual or perceived conflicts of interest in order to ensure the fair and equitable treatment of department members and the public, and thereby maintain the trust of the public and department members.

### 1026.3 PROHIBITIONS

The Department prohibits the following types of personal or business relationships among members:

- (a) Members are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other member who is a relative or with whom they are involved in a personal or business relationship.
  - 1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved member to an uninvolved supervisor.
  - 2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing members in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any member to another position within the same classification in order to avoid conflicts with any provision of this policy.
- (b) Members are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting a member who is a relative or with whom they are involved in a personal or business relationship.
- (c) Whenever possible, field training officers (FTOs) and other trainers will not be assigned to train relatives. Department FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any member they

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Conflict of Interest*

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are assigned to train until such time as the training has been successfully completed and the person is off probation.

#### **1026.4 CONFLICTS IN CONTRACTING**

Members shall not enter into any contract with the Department or participate in making a contract with any person or business with which the member has an employment or substantial interest if it is prohibited by Michigan law (MCL 15.322; MCL 15.323; MCL 15.323a; MCL 15.324).

#### **1026.5 MEMBER RESPONSIBILITIES**

Members shall avoid situations that create a conflict of interest. Members should take reasonable steps to address a perception of a conflict of interest when such a perception is reasonably foreseeable and avoidable (e.g., deferring a decision to an uninvolved member).

Whenever any member is placed in circumstances that would require him/her to take enforcement action or to provide official information or services to any relative or individual with whom the member is involved in a personal or business relationship, that member shall promptly notify his/her uninvolved, immediate supervisor.

In the event that no uninvolved supervisor is immediately available, the member shall promptly notify the dispatcher to have another uninvolved member either relieve the involved member or, minimally, remain present to witness the action.

#### **1026.6 SUPERVISOR RESPONSIBILITIES**

Upon being notified of or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police or the authorized designee of such actual or potential violations through the chain of command.

## Badges, Patches and Identification

### 1027.1 PURPOSE AND SCOPE

The Traverse City Police Department (TCPD) badge, patch and identification card, as well as the likeness of these items and the name of the Department, are property of the Department. Their use shall be restricted as set forth in this policy.

### 1027.2 POLICY

Members of the Department will use the TCPD badge, patch and identification card, as well as the likeness of these items, appropriately and professionally.

### 1027.3 UNAUTHORIZED USE

The TCPD badge, patch and identification card shall not be displayed or used by any member except when acting in an official or authorized capacity.

Department members shall not:

- (a) Display or use the TCPD badge, patch or identification card for personal gain or benefit.
- (b) Loan the TCPD badge, patch or identification card to others or permit these items to be reproduced or duplicated.
- (c) Use images of the TCPD badge, patch or identification card, or the likeness thereof, or the Traverse City Police Department name, for personal or private reasons including, but not limited to, letters, memoranda and electronic communications, such as email, blogs, social networking or websites.

#### 1027.3.1 LOST BADGE, PATCH OR IDENTIFICATION CARD

Department members shall promptly notify their supervisors whenever their TCPD badges, patches or identification cards are lost, damaged or are otherwise removed from their control.

### 1027.4 BADGES

The Chief of Police shall determine the form of badges authorized for use by department members. No other badges may be used, carried, worn or displayed.

Only badges issued by this department are authorized to be used, displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

Non-probationary members, with the written approval of the Chief of Police, may purchase at their own expense a second badge or flat badge that can be carried in a wallet.

#### 1027.4.1 RETIREE BADGES

The Chief of Police may establish rules for allowing honorably retired members to keep their badges in some form upon retirement, for use as private memorabilia. See the Retiree Badges and Identification policy for further.



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Badges, Patches and Identification*

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##### 1027.4.2 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the TCPD badge shall not be used for any purpose without the express authorization of the Chief of Police and shall be subject to the following:

- (a) An authorized employee group may use the likeness of the TCPD badge for merchandise and official employee group business provided it is used in a clear representation of the employee group and not the Traverse City Police Department. The following modification shall be included:
  1. Any text identifying the Traverse City Police Department is replaced with the name of the employee group.
  2. A badge number is not included. That portion of the badge may display the acronym of the employee group.

##### 1027.5 IDENTIFICATION

Personnel should carry their badges and identification cards on their person at all times, except when impractical or dangerous to their safety or to an investigation. They shall furnish their name and badge number to any person requesting that information when they are on-duty or while holding themselves as having an official capacity, except when the withholding of such information is necessary for the performance of police duties or is authorized by proper authority.

###### 1027.5.1 IDENTIFICATION CARDS

All members will be issued an official TCPD identification card bearing the member's name, full-face photograph, member identification number, member's signature and signature of the Chief of Police or the official seal of the Department. All members shall be in possession of their department-issued identification cards at all times while on-duty or in department facilities.

- (a) Whenever on-duty or acting in an official capacity representing the Department, members shall display their department-issued identification cards in a courteous manner to any person upon request and as soon as practicable.
- (b) Officers or other members working specialized assignments may be excused from the possession and display requirements when directed by their Division Commanders.

###### 1027.5.2 BUSINESS CARDS

The Department will supply business cards to those members whose assignments involve frequent interaction with the public or who may require the use of a business card. The only authorized business cards are those issued or approved by the Department and should contain identifying information including, but not limited to, the member's name, division, badge or other identification number and contact information (e.g., telephone number, email address).

Members should provide a business card upon request.

## Temporary Modified-Duty Assignments

### 1028.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules or current collective bargaining agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

### 1028.2 POLICY

Subject to operational considerations, the Traverse City Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

### 1028.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) shall be treated equally, without regard to any preference for a work-related injury.

No position in the Traverse City Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle or engaging in outside employment, or may otherwise limit them in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

### 1028.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Employees seeking a temporary modified-duty assignment should submit a written request to their Division Commanders or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Temporary Modified-Duty Assignments*

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- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Division Commander will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the Department of Human Resources or the City Attorney as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Shift Commander or Division Commander, with notice to the Chief of Police.

#### **1028.5 ACCOUNTABILITY**

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Division Commander.

##### **1028.5.1 EMPLOYEE RESPONSIBILITIES**

The responsibilities of employees assigned to temporary modified duty shall include, but are not limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Division Commander that contains a status update and anticipated date of return to full duty when a temporary modified-duty assignment extends beyond 60 days.

##### **1028.5.2 SUPERVISOR RESPONSIBILITIES**

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but are not limited to:

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Temporary Modified-Duty Assignments*

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- (a) Periodically apprising the Division Commander of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Division Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

#### **1028.6 MEDICAL EXAMINATIONS**

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

#### **1028.7 PREGNANCY**

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

##### 1028.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.

#### **1028.8 PROBATIONARY EMPLOYEES**

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

#### **1028.9 MAINTENANCE OF CERTIFICATION AND TRAINING**

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

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## Performance History Audits - Early Intervention

### 1029.1 PURPOSE AND SCOPE

This policy provides guidance for the use of performance history audits and the Department's early intervention and recognition system. Performance history audits can help identify commendable performance as well as provide early recognition of training needs and other potential issues. This policy addresses the responsibilities, performance indicators and components of the audit, and handling of collected data.

### 1029.2 POLICY

The Traverse City Police Department collects data to assist supervisors with evaluating the performance of their employees. While it is understood that the statistical compilation of data may be helpful to supervisors, the Department recognizes that it cannot account for, and must carefully balance such data with, the many variables in law enforcement, such as:

- Ability to detect crime.
- Work ethic.
- Assignment and shift.
- Physical abilities (ability to perform the job-related physical tasks).
- Randomness of events.

### 1029.3 RESPONSIBILITIES

Under the authority of the Office of the Chief of Police, the Investigative Services Division is responsible for managing the collection of performance indicators and other relevant data. The data will be compiled to generate early intervention and early recognition reports that will be provided to the appropriate Division Commander. The Investigative Services Division will utilize confidential methods to compile and track information regarding performance indicators for each officer during a rolling 180 day period in order to prepare reports and notifications.

Upon receipt of an early intervention and/or recognition report, the Division Commander shall complete a performance history audit which will be forwarded to the Office of the Chief of Police for review and retention as confidential personnel information.

### 1029.4 COMPONENTS OF PERFORMANCE HISTORY AUDITS

Performance history audits should include the following components:

- Performance indicators
- Data analysis
- Employee review
- Recommendations for further action and if warranted
- Follow-up monitoring if warranted

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Performance History Audits - Early Intervention*

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##### 1029.4.1 PERFORMANCE INDICATORS

Performance indicators represent the categories of employee performance activity that the Chief of Police has determined may be relevant data for the generation and analysis of performance history audits. These indicators are divided into two categories, weighted, and may include, but are not limited to, the frequency and/or number of:

- (a) Early Recognition
  1. Recognition Reports (1)
  2. Award Nominations (1)
  3. Commendations (1)
- (b) Early Intervention
  1. Canine Bites and/or Injuries caused by the use of the Canine (1)
  2. Vehicle Collisions (1)
  3. Coaching (.5)
  4. Documented Verbal Warnings (1)
  5. Employee Injuries (1)
  6. Intentional or accidental firearm discharges (regardless of injury) (1)
  7. Missed court appearances (1)
  8. Personnel complaints and Investigations, including the findings (1)
    - (a) Includes claims and civil suits related to the employee's actions or alleged actions
  9. Pursuits to include involvement and conduct (1)
  10. Use of Force Incidents (1)
  11. Prosecuting Attorney case rejections and the reasons (1)
  12. Documented written warnings and corrective action (1)
    - (a) Includes absenteeism or tardiness for training, departmental functions and duty assignments.

##### 1029.4.2 DATA ANALYSIS

The Guardian Tracking system is set to generate an early notification report if a preset number of points are noted in a rolling 180 day period. The report is forwarded electronically to the member's Division Commander.

- Early Recognition: 5 points
- Early Intervention: 10 points

The Division Commander will review each performance history audit report.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Performance History Audits - Early Intervention*

---

##### 1029.4.3 EMPLOYEE REVIEW

Upon receipt of a performance history audit report, the Division Commander will carefully review the report with the member's supervisor to assess any potential trends or other issues that may warrant informal counseling, additional training or a recommendation for other action, including discipline.

If the Division Commander determines that the member's performance warrants informal counseling or recognition, the Division Commander shall advise the member's immediate supervisor. The immediate supervisor shall take steps to initiate the appropriate action which may include:

- (a) Recognition
  - 1. Recognition Report
  - 2. Award Nomination
- (b) Counseling
  - 1. Coaching
  - 2. Documented Verbal Warning

If the Division Commander determines that an officer's performance warrants action beyond informal counseling or recognition, the Division Commander shall advise the Chief of Police of such recommendation. If the Chief of Police concurs with the recommendation of the Division Commander, he/she shall take steps to initiate the appropriate action, which may include:

- (a) Formal Recognition
  - 1. Commendation
- (b) Corrective Action
  - 1. Training
  - 2. Employee Assistance Program Referral
  - 3. Fitness for Duty Evaluation
  - 4. Personnel Complaint Report

If discipline or other adverse action is initiated against an officer as a result of a performance history audit, the officer shall be entitled to all rights and processes set forth in the Personnel Complaints Policy.

##### 1029.4.4 FOLLOW-UP MONITORING

Depending upon the results of each performance history audit, a determination should be made by the Division Commander after discussion with the officer's immediate supervisor, about the need, type and duration of any follow-up. Performance indicators and data analysis will generally provide the basis upon which such decisions should be made.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Performance History Audits - Early Intervention*

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##### **1029.5 CONFIDENTIALITY OF DATA**

Information, data and copies of material compiled to develop performance history audit reports shall be considered confidential as part of the employee's personnel file and will not be subject to discovery or release except as provided by law. Access to performance history audit reports will be governed under the same process as access to an officer's personnel file, as outlined in the Personnel Records Policy.

Access to the underlying data will be governed by the process for access to the original records (such as police reports).

##### **1029.6 RETENTION**

Performance history audit reports and associated records shall be retained in accordance with the established records retention schedule.



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# Speech, Expression and Social Networking

## 1030.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of member speech and expression with the needs of the Traverse City Police Department.

This policy applies to all forms of communication including, but not limited to, film, video, print media, public or private speech and use of all Internet services, including the Web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit a member from speaking as a private citizen while not using department resources, including acting as an authorized member of a recognized bargaining unit or an employee group, about matters of public concern, such as misconduct or corruption.

Members are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

## 1030.2 POLICY

Members of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the Traverse City Police Department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that members of this department be subject to certain reasonable and lawful limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Department will carefully balance the individual member's rights against the needs and interests of the Department when exercising a reasonable degree of control over its members' speech and expression.

## 1030.3 SAFETY

Members should carefully consider the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of Traverse City Police Department members, such as posting personal information in a public forum or posting a photograph taken with a GPS-enabled camera, can result in compromising a member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any member, a member's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow department member.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Speech, Expression and Social Networking*

---

- Otherwise disclosing where another officer can be located off-duty.

#### **1030.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT**

To meet the safety, performance and public-trust needs of the Traverse City Police Department, the following are prohibited unless the speech is otherwise protected (for example, a member speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Department or its members.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Department and tends to compromise or damage the mission, function, reputation or professionalism of the Department or its members. Examples may include:
  1. Statements that indicate disregard for the law, or the Michigan or U.S. Constitutions.
  2. Expression that demonstrates support for criminal activity.
  3. Participation in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the member as a witness. For example, posting to a website statements or expressions that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the members of the Department (e.g., a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape).
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment or appointment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.
- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Traverse City Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Speech, Expression and Social Networking*

---

Members must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

##### **1030.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS**

While members are not restricted from engaging in the following activities as private citizens or as authorized members of recognized bargaining units or employee groups, members may not represent the Traverse City Police Department or identify themselves in any way that could be reasonably perceived as representing the Department in order to do any of the following, unless specifically authorized by the Chief of Police:

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video or public broadcast or on any website or social media platform.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization, including as an authorized member of a recognized bargaining unit or an employee group, is affiliated with this department, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the Traverse City Police Department.

Members retain their rights to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of recognized bargaining units or employee groups, on political subjects and candidates at all times while off-duty. However, members may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Members are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

##### **1030.5 PRIVACY EXPECTATION**

Members forfeit any expectation of privacy with regard to emails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

##### **1030.5.1 PROHIBITIONS**

The Department shall not request or require members or applicants to provide access to, viewing of, or disclosure of private internet accounts (MCL 37.273).

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Speech, Expression and Social Networking*

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##### **1030.6 CONSIDERATIONS**

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or the authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.
- (g) Whether the speech or conduct would be in conflict with the Traverse City social media site posting policy.

##### **1030.7 TRAINING**

The Department shall provide training regarding the limitations on speech, expression, use of social networking, and ethics to all members of the Department at least once every three years.

## Illness and Injury Prevention

### 1031.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Traverse City Police Department.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related City wide safety efforts.

### 1031.2 POLICY

The Traverse City Police Department is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Department will establish and maintain an illness and injury prevention plan and will provide tools, training and safeguards designed to reduce the potential for accidents, injuries and illness. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

### 1031.3 ILLNESS AND INJURY PREVENTION PLAN

The Office of the Chief of Police is responsible for developing an illness and injury prevention plan that shall include:

- (a) Workplace safety and health training programs.
- (b) Regularly scheduled safety meetings.
- (c) Posted or distributed safety information.
- (d) A system for members to anonymously inform management about workplace hazards.
- (e) Establishment of a safety and health committee that will:
  - (a) Meet regularly.
  - (b) Prepare a written record of safety and health committee meetings.
  - (c) Review the results of periodic scheduled inspections.
  - (d) Review investigations of accidents and exposures.
  - (e) Make suggestions to command staff for the prevention of future incidents.
  - (f) Review investigations of alleged hazardous conditions.
  - (g) Submit recommendations to assist in the evaluation of member safety suggestions.
  - (h) Assess the effectiveness of efforts made by the Department to meet applicable standards.
- (f) Establishing a process to ensure illnesses and injuries are reported as required under Mich. Admin. Code, R 408.22139.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Illness and Injury Prevention*

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1. Specific injuries require notification to Michigan Occupational Safety and Health Administration (MIOSHA) within (Mich. Admin. Code, R 408.22139):
  - (a) Eight hours after the death of any employee.
  - (b) 24 hours of an inpatient hospitalization of any employee, or an amputation or loss of an eye as a result of a work-related incident.

#### **1031.4 OFFICE OF THE CHIEF OF POLICE RESPONSIBILITIES**

The responsibilities of the Office of the Chief of Police include but are not limited to:

- (a) Managing and implementing a plan to reduce the incidence of member illness and injury.
- (b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:
  1. New member orientation that includes a discussion of safety and health policies and procedures.
  2. Regular member review of the illness and injury prevention plan.
- (c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.
- (d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes but is not limited to:
  1. Informing members of the illness and injury prevention guidelines.
  2. Recognizing members who perform safe work practices.
  3. Ensuring that the member evaluation process includes member safety performance.
  4. Ensuring department compliance to meet standards regarding the following:
    - (a) Exposure control mandates for bloodborne pathogens in 29 CFR 1910.1030 (MCL 408.1014)
    - (b) Personal Protective Equipment (PPE) (29 CFR 1910.132; MCL 408.1014)
    - (c) Employee emergency action plans (Mich. Admin. Code, R 408.10623)
    - (d) Walking-working surfaces (29 CFR 1910.21; Mich. Admin. Code, R 408.10202 )
    - (e) Personal fall protection systems (29 CFR 1910.140; Mich. Admin. Code, R 408.10202; Mich. Admin. Code, R 408.13301)
- (e) Making available a form to document inspections, unsafe conditions, or unsafe work practices, and actions taken to correct unsafe conditions and work practices.
- (f) Making available a form to document individual incidents or accidents.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Illness and Injury Prevention*

---

- (g) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training, and training providers.
- (h) Conducting and documenting a regular review of the illness and injury prevention plan.

#### **1031.5 SUPERVISOR RESPONSIBILITIES**

Supervisor responsibilities include, but are not limited to:

- (a) Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.
- (b) Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.
- (c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.
- (d) Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted to the Office of the Chief of Police.
- (e) Notifying the Office of the Chief of Police when:
  1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
  2. New, previously unidentified hazards are recognized.
  3. Occupational illnesses and injuries occur.
  4. New and/or permanent or intermittent members are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
  5. Workplace conditions warrant an inspection.

#### **1031.6 HAZARDS**

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Illness and Injury Prevention*

---

All significant actions taken and dates they are completed shall be documented on the appropriate form. This form should be forwarded to the Office of the Chief of Police via the chain of command.

The Office of the Chief of Police will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

#### **1031.7 INSPECTIONS**

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The Office of the Chief of Police shall ensure that the appropriate documentation is completed for each inspection.

##### **1031.7.1 EQUIPMENT**

Members are charged with daily vehicle inspections of their assigned vehicles and of their PPE prior to working in the field. Members shall complete the appropriate form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

#### **1031.8 INVESTIGATIONS**

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty, shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- (a) A visit to the accident scene as soon as possible.
- (b) An interview of the injured member and witnesses.
- (c) An examination of the workplace for factors associated with the accident/exposure.
- (d) Determination of the cause of the accident/exposure.
- (e) Corrective action to prevent the accident/exposure from reoccurring.
- (f) Documentation of the findings and corrective actions taken.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Work-Related Illness and Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

#### **1031.9 TRAINING**

The Office of the Chief of Police should work with the Training Manager to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Illness and Injury Prevention*

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- (a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.
- (b) To all members with respect to hazards specific to each member's job assignment.
- (c) To all members given new job assignments for which training has not previously been provided.
- (d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
- (e) Whenever the Department is made aware of a new or previously unrecognized hazard.

#### **1031.9.1 TRAINING TOPICS**

The Training Manager shall ensure that training includes:

- (a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.
- (b) Use of appropriate clothing, including gloves, footwear and PPE.
- (c) Use of respiratory equipment.
- (d) Availability of toilet, hand-washing and drinking-water facilities.
- (e) Provisions for medical services and first aid.
- (f) Handling of bloodborne pathogens and other biological hazards.
- (g) Prevention of heat and cold stress.
- (h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).
- (i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.
- (j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.
- (k) Back exercises/stretchers and proper lifting techniques.
- (l) Avoidance of slips and falls.
- (m) Good housekeeping and fire prevention.
- (n) Other job-specific safety concerns.

#### **1031.10 RECORDS**

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

## Line of Duty Deaths

### 1032.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Traverse City Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

#### 1032.1.1 DEFINITIONS

Definitions related to this policy include:

**Line-of-duty death** - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a civilian member during the course of performing their assigned duties.

**Survivors** - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

### 1032.2 POLICY

It is the policy of the Traverse City Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

### 1032.3 INITIAL ACTIONS BY COMMAND STAFF

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Shift Commander and Central Dispatch.
  1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).
- (b) The Shift Commander should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.
- (c) If the member has been transported to the hospital, the Shift Commander or the authorized designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Line of Duty Deaths*

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- (d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

#### **1032.4 NOTIFYING SURVIVORS**

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police, Shift Commander or the authorized designee should select at least two members to conduct notification of survivors.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital. Notifying members should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.
- (g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting childcare or other immediate needs.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Line of Duty Deaths*

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- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.
- (m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Traverse City Police Department members may be apprised that survivor notifications are complete.

#### **1032.4.1 OUT-OF-AREA NOTIFICATIONS**

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.
- (b) The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

#### **1032.5 NOTIFYING DEPARTMENT MEMBERS**

Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support group, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Line of Duty Deaths*

---

#### **1032.6 LIAISONS AND COORDINATORS**

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including, but not limited to:

- (a) Department Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Critical Incident Stress Management (CISM) coordinator.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

##### **1032.6.1 DEPARTMENT LIAISON**

The Department Liaison should be a Division Commander or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include, but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-mast.
- (g) Ensuring that department members are reminded of appropriate information-sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the member's residence as necessary and reasonable.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Line of Duty Deaths*

---

- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

#### 1032.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Arrange for appropriate and separate waiting areas for:
  1. The survivors and others whose presence is requested by the survivors.
  2. Department members and friends of the deceased member.
  3. Media personnel.
- (b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or Traverse City Police Department members (except for members who may be guarding the suspect).
- (c) Ensure that survivors receive timely updates regarding the member before information is released to others.
- (d) Arrange for survivors to have private time with the member, if requested.
  1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
  2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.
- (f) If applicable, explain to the survivors why an autopsy may be needed.
- (g) Ensure hospital bills are directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member's residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

#### 1032.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Division Commander. The following should be considered when selecting the Survivor Support Liaison:

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Line of Duty Deaths*

---

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include, but are not limited to:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes and other locations, as appropriate.
- (b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:
  1. Items should not be delivered to the survivors until they are ready to receive the items.
  2. Items not retained as evidence should be delivered in a clean, unmarked box.
  3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
  4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.
  1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the CISM coordinator to ensure that survivors have access to available counseling services.
- (h) Coordinating with the department's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal and administrative investigations.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Line of Duty Deaths*

---

- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to department activities, memorial services or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

#### 1032.6.4 CRITICAL INCIDENT STRESS MANAGEMENT COORDINATOR

The CISM coordinator should work with the Chief of Police or the authorized designee, liaisons, coordinators and other resources to make CISM and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the CISM coordinator include, but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for CISM and counseling services, including:
  - 1. Members involved in the incident.
  - 2. Members who witnessed the incident.
  - 3. Members who worked closely with the deceased member but were not involved in the incident.
- (b) Ensuring that members who were involved in or witnessed the incident are relieved of department responsibilities until they can receive CISM support as appropriate and possible.
- (c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to members as soon as reasonably practicable following the line-of-duty death.
- (d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available CISM and counseling services and assisting with arrangements as needed.



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Line of Duty Deaths*

---

- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional CISM or counseling services are needed.
- (f) Follow the guidelines as outlined in the Stress Management and Response policy.

#### 1032.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include, but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the Department, including, but not limited to the following:
  - 1. Honor Guard
    - (a) Casket watch
    - (b) Color guard
    - (c) Pallbearers
    - (d) Bell/rifle salute
  - 2. Bagpipers/bugler
  - 3. Uniform for burial
  - 4. Flag presentation
  - 5. Last radio call
- (d) Briefing the Chief of Police and command staff concerning funeral arrangements.
- (e) Assigning an officer to remain at the family home during the viewing and funeral.
- (f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

#### 1032.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many Traverse City Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform his/her duties in accordance with the Outside Agency Assistance Policy.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Line of Duty Deaths*

---

##### 1032.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include, but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Workplace Illness and Injury Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:
  - 1. Public Safety Officers' Educational Assistance (PSOEA) Program.
  - 2. Social Security Administration.
  - 3. Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits.
  - 1. Michigan Public Safety Officers Benefit Act (MCL 28.631 et seq.).
  - 2. Michigan Fire Fighters and Police Officers Retirement Act death benefits (MCL 38.556; MCL 38.556b).
  - 3. Michigan Police Officer's and Fire Fighter's Survivor Tuition Grant Act (MCL 390.1241 et seq.).
  - 4. Peace officers medical and burial expenses (MCL 419.102).
- (d) Researching and assisting survivors with application for other survivor benefits such as:
  - 1. Private foundation survivor benefits programs.
  - 2. Survivor scholarship programs.
- (e) Researching and informing survivors of support programs sponsored by police associations and other organizations.
- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
  - 1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Line of Duty Deaths*

---

##### 1032.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:
  - 1. Paying survivors' travel costs if authorized.
  - 2. Transportation costs for the deceased.
  - 3. Funeral and memorial costs.
  - 4. Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

##### 1032.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Ensure that department members are instructed to direct any media inquiries to the PIO.
- (c) Prepare necessary press releases.
  - 1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
  - 2. Ensure that important public information is disseminated, such as information on how the public can show support for the department and deceased member's survivors.
- (d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.
- (f) If requested, assist the member's survivors with media inquiries.
  - 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to department members, other agencies and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Line of Duty Deaths*

---

The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should ensure that media are notified when survivor notifications have been made.

#### **1032.8 INVESTIGATION OF THE INCIDENT**

The Chief of Police shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

#### **1032.9 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL**

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

#### **1032.10 NON-LINE-OF-DUTY DEATH**

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.

## Stress Management and Response

### 1034.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the response to personnel who, as a result of responding to or becoming involved in a critical incident, may be in need of peer counseling or mental health services. The duties and responsibilities of the law enforcement profession are often emotionally demanding and difficult and employees generally risk experiencing stress and related emotional difficulties. Emotional problems may have a negative impact on personnel performance and in extreme instances, may present a danger to the welfare and safety of employees, their families or the general public.

### 1034.2 POLICY

It is the duty of the Traverse City Police Department to provide all personnel with access to peer counseling and/or mental health services to help them preempt and resolve emotional difficulties and, under emergency conditions, take those measures necessary in the provision of mental health services to ensure the well-being and safety of employees and the general public.

### 1034.3 DEFINITIONS

**Critical Incident** - Any situation, which has such profound emotional impact that it has the potential to interfere with an employee's ability to function.

**Peer Counselor (PC)** - The PC shall be authorized by this agency to provide voluntary counseling services to agency employees only after having successfully completed this agency's prescribed course of instruction.

**Defusing** - brief discussion between involved employee(s) and a PC immediately following a critical incident. It is used to restore involved employee's cognitive functioning and prepare them for future stress reactions resulting from the incident.

**Critical Incident Stress Debriefing (CISD)** - A confidential meeting between employees directly involved in a critical incident, which may include support personnel; a PC, the Division Commander, and a Mental Health Professional, usually following a defusing. Family or other support personnel may attend with the concurrence of all of those involved in the incident. The CISD is used to inform and educate those involved on stress management techniques. **It is not an operational critique (tactical debriefing)**; rather the focus is on assisting the employee or group with coping behaviors and techniques.

**Mental Health Professional** - A licensed professional, departmentally authorized social or mental health caseworker, counselor, psychotherapist, psychologist or psychiatrist. When a mental health professional is present at either a defusing or debriefing, confidentiality guidelines do apply and all statements are considered privileged.

**Employee Assistance Program (EAP)** - An Employee Assistance Program (EAP) is a voluntary, work-based program that offers free and confidential assessments, short-term counseling, referrals, and follow-up services to employees who have personal and/or work-related problems.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Stress Management and Response*

---

#### **1034.4 RESPONSIBILITIES**

##### 1034.4.1 MEMBER RESPONSIBILITIES

Taking care of yourself, your friends, and your family can help you cope with stress. Helping others cope with their stress can also make your community stronger. Things you can do to support yourself:

- (a) Take breaks from watching, reading, or listening to news stories, including social media.
- (b) Take care of your body. Take deep breaths, stretch, or meditate. Try to eat healthy, well-balanced meals, exercise regularly, get plenty of sleep, and avoid alcohol and drugs.
- (c) Make time to unwind. Try to do some other activities you enjoy.
- (d) Connect with others. Talk with people you trust about your concerns and how you are feeling.
- (e) Call your healthcare provider if stress gets in the way of your daily activities for several days in a row.

Responding to a situation can take an emotional toll on individuals. There are things you can do to reduce secondary traumatic stress (STS) reactions:

- (a) Acknowledge that STS can impact anyone helping families after a traumatic event.
- (b) Learn the symptoms including physical (fatigue, illness) and mental (fear, withdrawal, guilt).
- (c) Allow time for you and your family to recover from responding to the situation.
- (d) Create a menu of personal self-care activities that you enjoy, such as spending time with friends and family, exercising, or reading a book.
- (e) Take a break from media coverage.
- (f) Ask for help if you feel overwhelmed or concerned that the situation is affecting your ability to care for your family or maintain your duties as you did before the situation occurred.
  1. If not already scheduled, and the member feels it is needed, request a debriefing from your supervisor.

See: [Tips for Taking Care of Yourself](#)

##### 1034.4.2 SUPERVISOR RESPONSIBILITIES

- (a) It shall be the responsibility of the supervisor in conjunction with the Division Commander, to schedule a defusing/debriefing as soon as practicable after the following types of incidents:
  1. Suicide of a family member/employee
  2. Any police related shooting

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Stress Management and Response*

---

3. Any mass casualty incidents or natural disasters (i.e., plane crash, tornado, etc.)
  4. Death or severe injury to a child
  5. Any other incidents in which the circumstances were so unusual, or the sight and sounds so distressing, as to produce a high level of immediate or delayed emotional reaction.
  6. Riot
  7. Hostage situation
- (b) In critical incidents not specified above it shall be the responsibility of the member's supervisor in conjunction with the Division Commander to determine if a debriefing and/or defusing is needed and when they will take place.

#### **1034.5 CRITICAL INCIDENT STRESS DEBRIEFING**

A critical incident stress debriefing (CISD) should occur as soon as practicable. The Division Commander is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law or a valid court order.

Attendance at the debriefing shall only include those members of the Department directly involved in the incident, which may include support personnel (e.g., dispatchers, civilian personnel). Family or other support personnel may attend with the expressed concurrence of all members involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory and Investigative Services Division personnel not directly involved in the incident.

In some critical incidents, the department may choose to hold two (2) CISDs. The first with just the officers directly involved in the incident and then a second that includes support personnel and/or other involved civilian personnel who may have a different perspective than a law enforcement officer.

Provided that the person or entity providing service at the critical incident stress debriefing is an organized community or local crisis response team that is a member of the Michigan Crisis Response Association Network, communications made by members and records kept by the service provider are confidential and protected from disclosure as provided in MCL 333.20981 et seq.

#### **1034.6 RESOURCES**

- (a) Agency employees may voluntarily seek the assistance of a peer counselor or Mental Health Professional at any time.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Stress Management and Response*

---

1. Peer counselors may be used to assist officers and their families in cases of job related crises through informal counseling and support and through referral to professional mental health service providers where necessary.
  2. Employees should use peer counselors as a referral source where appropriate and may, with or without anonymity, provide the name of a fellow officer or employee for discreet and confidential intervention.
  3. Strict confidentiality shall be maintained between the peer counselor and the employee; nothing discussed between counseling participants shall be divulged to any third party without the express written consent of the employee.
- (b) Professional mental health services
1. Mental health service providers are available to all employees of TCPD and their families as allowed by insurance coverage. Use of these services shall be treated in the same manner as any other work-related injury or illness.
- (c) Employee Assistance Program (EAP)
1. EAPs address a broad and complex body of issues affecting mental and emotional well-being, such as alcohol and other substance abuse, stress, grief, family problems, and psychological disorders. EAP counselors also work in a consultative role with managers and supervisors to address employee and organizational challenges and needs. EAPs are active in helping organizations prevent and cope with workplace violence, trauma, and other emergency response situations. Contact TCPDs EAP by calling 1-844-871-3577.
- (d) Substance Abuse and Mental Health Services Administration's (SAMHSA's) Disaster Distress Helpline
1. Online and telephone help is available by calling 1-800-985-5990 or text TalkWithUs to 66746. (TTY 1-800-846-8517)

See attachment: [Backing the Badge TCPD.pdf](#)

Follow for additional assistance: [SAMHSA Distress Helpline](#)

#### **1034.7 DEPARTMENT NOTIFICATION**

It is the responsibility of the Chief of Police or his/her designee to notify other department members of a Critical Incident as soon as practicable.

#### **1034.8 SPECIAL INACTIVATION**

If any member shoots, while in the line of duty, another person either injuring or killing that person, that member shall be placed on administrative duty for four (4) consecutive days except during periods of emergency. The member shall be required to participate in counseling through the City's Employee Assistance Program (EAP) after an incident involving a shooting.



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Stress Management and Response*

---

##### **1034.9 JOB SECURITY**

Job security and promotional opportunities shall not be jeopardized by an employee solely for having utilized or participated in any employee assistance program or service previously mentioned in this policy or as required and/or offered by the Department.

##### **1034.10 STRESS RECOGNITION AND TRAINING**

Traumatic stress disorders may develop in relationship to a wide variety of incidents, some of which may not become apparent to the department in any official capacity. Following a critical incident, law enforcement personnel may attempt to hide such symptoms from colleagues and supervisors for fear that it will be perceived as a personal weakness, adversely affect their performance review, or result in an unwanted fitness-for-duty appraisal.

Law enforcement personnel must be aware of the potential for traumatic reactions and be prepared to seek assistance for themselves or recommend aid for a colleague who they believe is affected in this manner. In order for law enforcement personnel to be capable of making such judgments, the Department shall provide the training necessary to make them knowledgeable about the potential reactions to critical incidents and the department's policy and procedures for prevention and treatment following a critical incident.

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide education and training to all department members to enable them to effectively identify potential reactions and side effects due to stress related incidents.

All department members will receive training regarding the recognition of stress both of themselves and of their fellow officers as part of their initial training.

All department members will receive refresher training, at least bi-annually, regarding stress recognition.

## Wellness Program

### 1035.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on establishing and maintaining a proactive wellness program for department members.

The wellness program is intended to be a holistic approach to a member's well-being and encompasses aspects such as physical fitness, mental health, and overall wellness.

Additional information on member wellness is provided in the:

- Critical Incident Stress Management and Peer Support Policy.
- Line-of-Duty Deaths Policy.
- Drug- and Alcohol-Free Workplace Policy.

#### 1035.1.1 DEFINITIONS

Definitions related to this policy include:

**Critical incident** – An event or situation that may cause a strong emotional, cognitive, or physical reaction that has the potential to interfere with daily life.

**Critical Incident Stress Debriefing (CISD)** – A standardized approach using a discussion format to provide education, support, and emotional release opportunities for members involved in work-related critical incidents.

**Peer support** – Mental and emotional wellness support provided by peers trained to help members cope with critical incidents and certain personal or professional problems.

### 1035.3 POLICY

It is the policy of the Traverse City Police Department to prioritize member wellness to foster fitness for duty and support a healthy quality of life for department members. The Department will maintain a wellness program that supports its members with proactive wellness resources, critical incident response, and follow-up support.

### 1035.4 WELLNESS COORDINATOR

The Chief of Police should appoint a trained wellness coordinator. The coordinator should report directly to the Chief of Police or the authorized designee and should collaborate with advisers (e.g., Department of Human Resources, legal counsel, licensed psychotherapist, qualified health professionals), as appropriate, to fulfill the responsibilities of the position, including but not limited to:

- (a) Identifying wellness support providers (e.g., licensed psychotherapists, external peer support providers, physical therapists, dietitians, physical fitness trainers holding accredited certifications).
  1. As appropriate, selected providers should be trained and experienced in providing mental wellness support and counseling to public safety personnel.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Wellness Program*

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2. When practicable, the Department should not use the same licensed psychotherapist for both member wellness support and fitness for duty evaluations.
- (b) Developing management and operational procedures for department peer support members, such as:
1. Peer support member selection and retention.
  2. Training and applicable certification requirements.
  3. Deployment.
  4. Managing potential conflicts between peer support members and those seeking service.
  5. Monitoring and mitigating peer support member emotional fatigue (i.e., compassion fatigue) associated with providing peer support.
  6. Using qualified peer support personnel from other public safety agencies or outside organizations for department peer support, as appropriate.
- (c) Verifying members have reasonable access to peer support or licensed psychotherapist support.
- (d) Establishing procedures for CISDs, including:
1. Defining the types of incidents that may initiate debriefings.
  2. Steps for organizing debriefings.
- (e) Facilitating the delivery of wellness information, training, and support through various methods appropriate for the situation (e.g., phone hotlines, electronic applications).
- (f) Verifying a confidential, appropriate, and timely Employee Assistance Program (EAP) is available for members. This also includes:
1. Obtaining a written description of the program services.
  2. Providing for the methods to obtain program services.
  3. Providing referrals to the EAP for appropriate diagnosis, treatment, and follow-up resources.
  4. Obtaining written procedures and guidelines for referrals to, or mandatory participation in, the program.
  5. Obtaining training for supervisors in their role and responsibilities, and identification of member behaviors that would indicate the existence of member concerns, problems, or issues that could impact member job performance.

#### **1035.5 DEPARTMENT PEER SUPPORT**

##### **1035.5.1 PEER SUPPORT MEMBER SELECTION CRITERIA**

The selection of a department peer support member will be at the discretion of the Division Commander and the Peer Support Team coordinator. Selection should be based on the members:

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Wellness Program*

---

- Desire to be a peer support member.
- Experience or tenure.
- Demonstrated ability as a positive role model.
- Ability to communicate and interact effectively.
- Evaluation by supervisors and any current peer support members.

The final selection and assignment will be at the discretion of the Chief of Police.

#### **1035.5.2 PEER SUPPORT MEMBER RESPONSIBILITIES**

The responsibilities of department peer support members include:

- (a) Providing pre- and post-critical incident support.
- (b) Presenting department members with periodic training on wellness topics, including but not limited to:
  1. Stress management.
  2. Suicide prevention.
  3. How to access support resources.
- (c) Providing referrals to licensed psychotherapists and other resources, where appropriate.
  1. Referrals should be made to department-designated resources in situations that are beyond the scope of the peer support member's training.

#### **1035.5.3 PEER SUPPORT MEMBER TRAINING**

A department peer support member should complete department-approved training prior to being assigned.

#### **1035.6 CRITICAL INCIDENT STRESS DEBRIEFINGS**

A Critical Incident Stress Debriefing should occur as soon as practicable following a critical incident. The coordinator is responsible for organizing the debriefing. Notes and recorded statements shall not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a critical incident.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law, or a valid court order.

Attendance at the debriefing should only include peer support members and/or critical incident stress management team members and those directly involved in the incident.

#### **1035.7 PEER SUPPORT COMMUNICATIONS**

Although the Department will honor the sensitivity of communications with peer support members, there is no legal privilege to such communications.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Wellness Program*

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##### **1035.7.1 CRITICAL INCIDENT STRESS MANAGEMENT TEAM MEMBER COMMUNICATIONS**

Communications with critical incident stress management team members, including during a critical incident stress debriefing, precrisis education, critical incident stress defusing, on-scene support services, one-on-one support services, consultation, and referral services, are confidential and protected from disclosure as provided in MCL 333.20982.

A critical incident stress management team member means an individual who is specially trained to provide critical incident stress management services as a member of an organized community or local crisis response team that is a member of the Michigan Crisis Response Association Network (MCL 333.20981).

##### **1035.8 PHYSICAL WELLNESS PROGRAM**

The coordinator is responsible for establishing guidelines for any on-duty physical wellness program, including the following:

- (a) Voluntary participation by members
- (b) Allowable physical fitness activities
- (c) Permitted times and locations for physical fitness activities
- (d) Acceptable use of department-provided physical fitness facilities and equipment
- (e) Individual health screening and fitness assessment
- (f) Individual education (e.g., nutrition, sleep habits, proper exercise, injury prevention) and goal-setting
- (g) Standards for fitness incentive programs. The coordinator should collaborate with the appropriate entities (e.g., human resources, legal counsel) to verify that any standards are nondiscriminatory
- (h) Maintenance of physical wellness logs (e.g., attendance, goals, standards, progress)
- (i) Ongoing support and evaluation

##### **1035.9 WELLNESS PROGRAM AUDIT**

At least annually, the coordinator or the authorized designee should audit the effectiveness of the department's wellness program and prepare a report summarizing the findings. The report shall not contain the names of members participating in the wellness program, and should include the following information:

- Data on the types of support services provided
- Wait times for support services
- Participant feedback, if available
- Program improvement recommendations
- Policy revision recommendations

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Wellness Program*

---

The coordinator should present the completed audit to the Chief of Police for review and consideration of updates to improve program effectiveness.

#### **1035.10 TRAINING**

The coordinator or the authorized designee should collaborate with the Training Manager to provide all members with regular education and training on topics related to member wellness, including but not limited to:

- The availability and range of department wellness support systems.
- Suicide prevention.
- Recognizing and managing mental distress, emotional fatigue, post-traumatic stress, and other possible reactions to trauma.
- Alcohol and substance disorder awareness.
- Countering sleep deprivation and physical fatigue.
- Anger management.
- Marriage and family wellness.
- Benefits of exercise and proper nutrition.
- Effective time and personal financial management skills.

Training materials, curriculum, and attendance records should be forwarded to the Training Manager as appropriate for inclusion in training records.

## **Chapter 11 - LEIN Compliance**

## User Account/Access Validation

### 1100.1 PURPOSE

To establish requirements for user accounts and access validation for all criminal justice networks to ensure the security of system access and accountability.

### 1100.2 SCOPE

All accounts shall be reviewed annually by the terminal agency coordinator (TAC) for the Traverse City Police Department or his/her designee to ensure that access and account privileges commensurate with job functions, need-to-know, and employment status on systems that contain Criminal Justice Information. The TCPD TAC or his/her designee may also conduct periodic reviews.

### 1100.3 POLICY

All guest accounts (for those who are not official employees of the CJA) with access to the criminal justice network shall contain an expiration date of one year or the work completion date, whichever occurs first. All guest accounts (for private contractor personnel) must be sponsored by the appropriate authorized member of the administrative entity managing the resource.

The TCPD TAC or his/her designee such as the Grand Traverse County Information Technology (IT) Department should disable all new accounts that have not been accessed within 30 days of creation. Accounts of individuals on extended leave (more than 30 days) should be disabled. (Note: Exceptions can be made in cases where uninterrupted access to IT resources is required. In those instances, the individual going on extended leave should have a manager- approved request from the designated account administrator or assistant.)

The TCPD TAC or his/her designee such as the Grand Traverse County Information Technology (IT) Department must be notified if a user's information system usage or need-to-know changes (i.e., the employee is terminated, transferred, etc.). If an individual is assigned to another office for an extended period (more than 90 days), the TCPD TAC or his/her designee will transfer the individual's account(s) to the new office (CJA).

The TCPD TAC or his/her designee such as the Grand Traverse County Information Technology (IT) Department will remove or disable all access accounts for separated or terminated employees immediately following separation from the agency.

Primary responsibility for account management belongs to the TCPD TAC or his/her designee such as the Grand Traverse County Information Technology (IT) Department.

The TCPD TAC or his/her designee such as the Grand Traverse County Information Technology (IT) Department shall:

- Modify user accounts in response to events like name changes, accounting changes, permission changes, office transfers, etc.,
- Periodically review existing accounts for validity, and



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *User Account/Access Validation*

---

- Cooperate fully with an authorized security team that is investigating a security incident or performing an audit review.

#### **1100.4 PENALTIES**

Any violation of this policy may result in network removal, access revocation, corrective or disciplinary action, and termination of employment.

## Personally Owned Devices

### 1101.1 PURPOSE

A personally owned information system or device shall be authorized to access, process, store or transmit Traverse City Police Department, Michigan, or FBI Criminal Justice Information (CJI) only when these established and documented specific terms and conditions are met. This control does not apply to the use of personally owned information systems to access the Traverse City Police Department's information systems and information that are intended for public access (e.g., an agency's public website that contains purely public information).

### 1101.2 SCOPE

This policy applies to all Traverse City Police Department personnel, support personnel, and/or private contractors/vendors who are authorized to use personally owned devices to connect to any physical, logical, and/or electronic premise of the Traverse City Police Department to access, process, store, and/or transmit CJI. This also includes any private contractors/vendors who will conduct maintenance on any network device that processes, stores, and/or transmits CJI.

### 1101.3 PERSONALLY OWNED DEVICES

A personally owned device is any technology device that was purchased by an individual and was not issued by the [agency name] Traverse City Police Department. A personal device includes any portable technology like camera, USB flash drives, USB thumb drives, DVDs, CDs, air cards and mobile wireless devices such as Androids, Blackberry OS, Apple iOS, Windows Mobile, Symbian, tablets, laptops or any personal desktop computer. Threats to mobile handheld devices stem mainly from their size, portability, and available wireless interfaces and associated services.

The Traverse City Police Department will maintain management control and authorize the use of personally owned devices. The Traverse City Police Department shall develop guidelines to define which employees can use their own devices, the types of devices they can use, and which applications and data they can access, process, or store on their devices.

Personally owned devices must:

- Be authorized by Traverse City Police Department to access, process, transmit, and/or store CJI.
- Be inspected by Traverse City Police Department's IT staff and the LASO to ensure appropriate security requirements on the device are up-to-date and meet the FBI's CJIS Security Policy requirements prior to use.
- Take necessary precautions when using device outside of a physically secure area. (See Physical Protection Policy).

### 1101.4 REMOTE ACCESS

The Traverse City Police Department shall authorize, monitor, and control all methods of remote access to the information systems that can access, process, transmit, and/or store CJI. Remote access is any temporary access to an agency's information system by a user (or an information

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Personally Owned Devices*

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system) communicating temporarily through an external, non-agency controlled network (e.g., the Internet).

The Traverse City Police Department shall employ automated mechanisms to facilitate the monitoring and control of remote access methods. The Traverse City Police Department shall control all remote accesses through managed access control points. The Traverse City Police Department may permit remote access for privileged functions only for compelling operational needs but shall document the rationale for such access in the security plan for the information system.

Utilizing publicly accessible computers to access, process, store or transmit CJI is prohibited. Publicly accessible computers include but are not limited to: hotel business center computers, convention center computers, public library computers, public kiosk computers, etc.

#### **1101.5 OWNER ROLE AND RESPONSIBILITIES**

- (a) The owner agrees to:
  - (a) Control wireless network and service connectivity. Validate mobile device default settings are not connecting to nearby Wi-Fi networks automatically. Some of these networks, like in airports or neighborhood coffee shops, may be completely open and unsecure.
  - (b) Review the use of device alerts and update services to validate you requested them. Restrict notifications not requested by looking at your device's settings.
  - (c) Report lost or stolen mobile or storage devices to the Traverse City Police Department's Local Agency Security Officer (LASO) immediately.
  - (d) Do not stream music or videos using personally owned devices when connected to Traverse City Police Department's network to prevent sluggishness.
  - (e) Access CJI only from an approved and authorized storage device.
  - (f) Use good judgement on amount of time applied to personal use of personally owned devices during normal work business hours.
  - (g) Use good judgement before installing free applications. Sometimes free applications track your personal information with limited disclosure or authorization, and then sell your profile to advertising companies.
  - (h) Protect individual's and Traverse City Police Department's privacy.
  - (i) Traverse City Police Department having the authority to erase device remotely as needed.
  - (j) Bring the device to work to use during normal work hours and not share the device with anyone else.
  - (k) Follow necessary policy and procedures to protect CJI.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Personally Owned Devices*

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##### **1101.6 INFORMATION TECHNOLOGY ROLE AND RESPONSIBILITIES**

The Traverse City Police Department IT support role shall, at a minimum, ensure that external storage devices:

- (a) Are encrypted when CJI is stored electronically.
- (b) Are scanned for virus and malware prior to use and/or prior to being connected to the agency's computer or laptop.

The Traverse City Police Department IT support role shall, at a minimum, ensure that all personally owned devices:

- (a) Apply available critical patches and upgrades to the device operating system.
- (b) Are kept updated with security patches, firmware updates and antivirus.
- (c) Are configured for local device authentication.
- (d) Use advanced authentication and encryption when CJI is stored and/or transmitted.
- (e) Be able to deliver built-in identity role-mapping, network access control (NAC), AAA (Authentication, Authorization, and Accounting) services, and real-time endpoint reporting.
- (f) Erase cached information when session is terminated.
- (g) Employ personal firewalls.
- (h) Minimize security risks by ensuring antivirus and antimalware are installed, running real time and updated.
- (i) Be scanned for viruses and malware prior to accessing or connecting to Traverse City Police Department CJIS network.
- (j) Configure Bluetooth interface as undiscoverable except as needed for pairing, which prevents visibility to other Bluetooth devices except when discovery is specifically needed.
- (k) Be properly disposed of at end of life. (See Media Sanitation Destruction Policy). Remove CJI before owner sells their personally owned devices or sends it in for repairs.
- (l) Evaluate personally owned device age. Older device hardware is too outdated for needed updates. Typical life is two years.
- (m) Ensure device is compatible with needed network protocols and/or compatible with customized applications developed for access CJI through testing.
- (n) Deploy Mobile Device Management or SIM card locks and credential functions. The credential functions require a pass code to use Traverse City Police Department's network services. (Research enterprise mobile device management solutions- see product working successfully in real life scenario with the type of mobile device your State/Agency wants to use prior to implementing. The enterprise mobile device solution must be compatible with chosen device products.)
- (o) Ensure owner and IT staff have mobile backup enabled to an approved Traverse City Police Department location. Set a daily or weekly schedule to periodically synch

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Personally Owned Devices*

---

data and applications. If backup contains CJI, take appropriate security measures for storage of CJI. (See Media Protection Policy).

- (p) Retain the ability to secure, control and remotely erase agency data on employee-owned devices in the event of a security breach or if the employee leaves the agency employment or the device is lost or stolen. This remote ability can be done through technology that allows virtual access to company applications.
- (q) Enable mobile device in a "find my phone" service to allow finding device.
- (r) Consider adding extra protection such as a total device reset if the PIN is guessed incorrectly a certain number of attempts.
- (s) Be able to easily identify connected users and devices. Track, log and manage every personally used device allowed to connect to agency technology resources for secure CJI access.
- (t) Perform pre and post-authentication checks.
- (u) Ability to allow and deny access. Selectively grant proper network access privileges.

#### **1101.7 LOCAL AREA SECURITY OFFICER (LASO) ROLE AND RESPONSIBILITY**

The LASO will:

- (a) Identify who is using the personally owned approved hardware, software, and firmware and ensure no unauthorized individuals or processes have access to the same.
- (b) Support policy compliance and ensure the CSA ISO is promptly informed of security incidents.
- (c) Ensure the approved and appropriate security measures are in place and working as expected.
- (d) Ensure that personnel security screening procedures are being followed as stated in this policy.
- (e) Identify and document how the equipment is connected to the state system.

#### **1101.8 PENALTIES**

Violation of any of the requirements in this policy by any authorized personnel will result in suitable disciplinary action, up to and including loss of access privileges, civil and criminal prosecution and/or termination. Personally owned information technology resources used may be retained by the Traverse City Police Department for evaluation in investigation of security violations.

Violation of any of the requirements in this policy by any unauthorized person can result in similar disciplinary action against the device owner, and can also result in termination of services with any associated consulting organization or prosecution in the case of criminal activity.

#### **1101.9 ACKNOWLEDGEMENT**

The Traverse City Police Department, agency personnel, IT support, private contractors/vendors, and the LASO alike will agree to commit to this personally owned device document (policy).

I have read the policy and rules above and I will:

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Personally Owned Devices*

---

- Authorize the Traverse City Police Department to remotely wipe my mobile device.
- Abide by the Traverse City Police Department Personally Owned Device policy. I understand any violation of this policy may result in discipline up to and including termination.
- Complete the security awareness training and take action to protect Traverse City Police Department facilities, personnel and associated information systems.
- Report any unauthorized device access to Traverse City Police Department LASO.

## Physical Protection

### 1102.1 PURPOSE

The purpose of this policy is to provide guidance for agency personnel, support personnel, and private contractors/vendors for the physical, logical, and electronic protection of Criminal Justice Information (CJI). All physical, logical, and electronic access must be properly documented, authorized and controlled on devices that store, process, or transmit unencrypted CJI. This Physical Protection Policy focuses on the appropriate access control methods needed to protect the full lifecycle of CJI from insider and outsider threats.

### 1102.2 PHYSICALLY SECURE LOCATION

A physically secure location is a facility or an area, a room, or a group of rooms within a facility with both the physical and personnel security controls sufficient to protect the LEIN-based CJI and associated information systems. The perimeter of the physically secure location shall be prominently posted and separated from non-secure locations by physical controls. Security perimeters shall be defined, controlled, and secured. Restricted non-public areas in the Traverse City Police Department shall be identified with a sign at the entrance.

### 1102.3 VISITOR ACCESS

A visitor is defined as a person who visits the Traverse City Police Department facility on a temporary basis who is not employed by the Traverse City Police Department and has no unescorted access to the physically secure location within the Traverse City Police Department where LEIN-based CJI and associated information systems are located.

Visitors shall:

- (a) Check in before entering a physically secure location by providing a form of identification used to authenticate visitor.
- (b) Be accompanied by a Traverse City Police Department escort at all times to include delivery or service personnel. An escort is defined as authorized personnel who accompany a visitor at all times while within a physically secure location to ensure the protection and integrity of the physically secure location and any CJI therein. The use of cameras or other electronic means used to monitor a physically secure location does not constitute an escort.
- (c) Show Traverse City Police Department personnel a valid form of photo identification.
- (d) Follow Traverse City Police Department policy for authorized unescorted access.
  - (a) Grand Traverse County IT Department, who requires frequent unescorted access to restricted area(s), has established a Management Control Agreement with the Traverse City Police Department. Each Grand Traverse County IT Department employee with CJI access will appropriately have state and national fingerprint-based record background check prior to this restricted area access being granted.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Physical Protection*

---

- (b) Private contractors/vendors who require frequent unescorted access to restricted area(s) will be required to establish a CJIS Security Addendum between the Traverse City Police Department and each private contractor personnel. Each private contractor personnel will appropriately have state and national fingerprint-based record background check prior to this restricted area access being granted.
- (e) Not be allowed to view screen information mitigating shoulder surfing.
- (f) Individuals not having any legitimate business in a restricted area shall be courteously escorted to a public area of the facility. Strangers in physically secure areas without an escort should be challenged. If resistance or behavior of a threatening or suspicious nature is encountered, sworn personnel shall be notified or call 911.
- (g) Not be allowed to sponsor another visitor.
- (h) Not enter into a secure area with electronic devices unless approved by the Traverse City Police Department Local Area Security Officer (LASO) to include cameras and mobile devices. Photographs are not allowed without permission of the Traverse City Police Department assigned personnel.
- (i) All requests by groups for tours of the Traverse City Police Department facility will be referred to the proper agency point of contact for scheduling. In most cases, these groups will be handled by a single form, to be signed by a designated group leader or representative. Remaining visitor rules apply for each visitor within the group. The group leader will provide a list of names to front desk personnel for instances of emergency evacuation and accountability of each visitor while on agency premises.

#### **1102.4 AUTHORIZED PHYSICAL ACCESS**

Only authorized personnel will have access to physically secure non-public locations. The Traverse City Police Department will maintain and keep current a list of authorized personnel. All physical access points into the agency's secure areas will be authorized before granting access. The agency will implement access controls and monitoring of physically secure areas for protecting all transmission and display mediums of CJI. Authorized personnel will take necessary steps to prevent and protect the agency from physical, logical and electronic breaches.

All personnel with CJI physical and logical access must:

- (a) Meet the minimum personnel screening requirements prior to CJI access.
  - (a) To verify identification, a state of residency and national fingerprint-based record checks shall be conducted within 30 days of assignment for all personnel who have direct access to CJI and those who have direct responsibility to configure and maintain computer systems and networks with direct access to CJI.
  - (b) Support personnel, private contractors/vendors, and custodial workers with access to physically secure locations or controlled areas (during CJI processing) shall be subject to a state and national fingerprint-based record check unless these individuals are escorted by authorized personnel at all times.



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Physical Protection*

---

- (c) Prior to granting access to CJI, the Traverse City Police Department on whose behalf the contractor is retained shall verify identification via a state of residency and national fingerprint-based record check.
- (d) Refer to the CJIS Security Policy for handling cases of felony convictions, criminal records, arrest histories, etc.
- (b) Complete security awareness training.
  - (a) All authorized Traverse City Police Department, Noncriminal Justice Agencies (NCJA) such as Grand Traverse County IT Department and private contractor/vendor personnel will receive security awareness training within six months of being granted duties that require CJI access and every two years thereafter.
  - (b) Security awareness training will cover areas specified in the CJIS Security Policy at a minimum.
- (c) Be aware of who is in their secure area before accessing confidential data.
  - (a) Take appropriate action to protect all confidential data.
  - (b) Protect all terminal monitors with viewable CJI displayed on monitor and not allow viewing by the public or escorted visitors.
- (d) Properly protect and not share any individually issued keys, proximity cards, computer account passwords, etc.
  - (a) Report loss of issued keys, proximity cards, etc to authorized agency personnel.
  - (b) If the loss occurs after normal business hours, or on weekends or holidays, personnel are to call the Traverse City Police Department POC to have authorized credentials like a proximity card de-activated and/or door locks possibly rekeyed.
  - (c) Safeguard and not share passwords and all other facility and computer systems security access procedures. (See Disciplinary Policy).
- (e) Properly protect from viruses, worms, Trojan horses, and other malicious code.
- (f) Members will not access social networking sites or any other web pages for any purpose that is not official department business.
- (g) Do not use personally owned devices on the Traverse City Police Department computers with CJI access (See Personally Owned Device Policy).
- (h) Use of electronic media is allowed only by authorized Traverse City Police Department personnel. Controls shall be in place to protect electronic media and printouts containing CJI while in transport. When CJI is physically moved from a secure location to a non-secure location, appropriate controls will prevent data compromise and/or unauthorized access.
- (i) Encrypt emails when electronic mail is allowed to transmit CJI-related data as such in the case of Information Exchange Agreements. If CJI is transmitted by email, the email must be encrypted (FIPS 140-2) end-to-end and email recipient must be authorized to receive and view CJI.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Physical Protection*

---

- (j) Report any physical security incidents to the Traverse City Police Department's LASO to include facility access violations, loss of CJI, loss of laptops, personal communication devices, thumb drives, CDs/DVDs and printouts containing CJI.
- (k) Properly release hard copy printouts of CJI only to authorized vetted and authorized personnel in a secure envelope and shred or burn hard copy printouts when no longer needed. Information should be shared on a "need to know" basis. (See Media Sanitization and Destruction Policy)
- (l) Ensure data centers with CJI are physically and logically secure.
- (m) Keep appropriate Traverse City Police Department security personnel informed when CJI access is no longer needed. In the event of ended employment, the individual must surrender all property and access managed by the local agency, state and/or federal agencies.
- (n) Not use food or drink around information technology equipment.
- (o) Know which door to use for proper entry and exit of the Traverse City Police Department and only use marked alarmed fire exits in emergency situations.
- (p) Ensure the perimeter security door securely locks after entry or departure. Do not leave any perimeter door propped opened and take measures to prevent piggybacking entries.

#### **1102.5 TERMINAL AGENCY COORDINATOR (TAC) ROLE AND RESPONSIBILITIES**

The TAC serves as the point-of-contact at the Traverse City Police Department for matters relating to CJIS information access. The TAC administers CJIS systems programs within the agency and oversees the agency's compliance with FBI and MI CJIS systems policies/addenda.

#### **1102.6 LOCAL AGENCY SECURITY OFFICER (LASO) ROLE AND RESPONSIBILITIES**

Each LASO shall:

- (a) Identify who is using the CSA (MI) approved hardware, software, and firmware and ensure no unauthorized individuals or processes have access to the same.
- (b) Identify and document how the equipment is connected to the state system.
- (c) Ensure that personnel security screening procedures are being followed as stated in this policy.
- (d) Ensure the approved and appropriate security measures are in place and working as expected.
- (e) Support policy compliance and ensure the CSA ISO is promptly informed of security incidents.

#### **1102.7 AGENCY COORDINATOR (AC) ROLE AND RESPONSIBILITIES**

An AC is a staff member of the Contracting Government Agency (CGA) who manages the agreement between the private contractor(s)/vendor(s) and the Traverse City Police Department. A CGA is a government agency, whether a Criminal Justice Agency (CJA) or a NCJA, that enters into an agreement with a private contractor/vendor subject to the CJIS Security Addendum. The

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Physical Protection*

---

AC shall be responsible for the supervision and integrity of the system, training and continuing education of private contractor/vendor employees and operators, scheduling of initial training and testing, and certification testing and all required reports by LEIN/NCIC.

#### **1102.8 CJIS SYSTEM AGENCY INFORMATION SECURITY OFFICER (CSA ISO) ROLE AND RESPONSIBILITIES**

The CSA ISO shall:

- (a) Serve as the security point of contact (POC) to the FBI CJIS Division ISO.
- (b) Document technical compliance with the CJIS Security Policy with the goal to assure the confidentiality, integrity, and availability of criminal justice information to the user community throughout the CSA's user community, to include the local level.
- (c) Document and provide assistance for implementing the security-related controls for the Interface Agency and its users.
- (d) ISOs have been identified as the POC on security-related issues for their respective agencies and shall ensure LASOs institute the CSA incident response reporting procedures at the local level. Establish a security incident response and reporting procedure to discover, investigate, document, and report to the CSA, the affected criminal justice agency, and the FBI CJIS Division ISO major incidents that significantly endanger the security or integrity of CJI.

#### **1102.9 INFORMATION TECHNOLOGY SUPPORT ROLE AND RESPONSIBILITIES**

In coordination with above roles, all vetted IT support staff will protect CJI from compromise at the Traverse City Police Department by performing the following:

- (a) Protect information subject to confidentiality concerns – in systems, archived, on backup media, and until destroyed. CJI is stored on laptops, mobile data terminals (MDTs), computers, servers, tape backups, CDs, DVDs, thumb drives, and internet connections as authorized by the Traverse City Police Department.
- (b) Be knowledgeable of required Traverse City Police Department technical requirements and policies taking appropriate preventative measures and corrective actions to protect CJI at rest, in transit and at the end of life.
- (c) Take appropriate action to ensure maximum uptime of CJI and expedited backup restores by using agency approved best practices for power backup and data backup means such as generators, backup universal power supplies on CJI-based terminals, servers, switches, etc.
- (d) Properly protect the Traverse City Police Department's CJIS system(s) from viruses, worms, Trojan horses, and other malicious code (real-time scanning and ensure updated definitions).
  - (a) Install and update antivirus on computers, laptops, MDTs, servers, etc.
  - (b) Scan any outside non-agency owned CDs, DVDs, thumb drives, etc., for viruses, if the Traverse City Police Department allows the use of personally owned devices. (See Personally Owned Device Policy)
- (e) Data backup and storage – centralized or decentralized approach.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Physical Protection*

---

- (a) Perform data backups and take appropriate measures to protect all stored CJI.
- (b) Ensure only authorized vetted personnel transport off-site tape backups or any other media that store CJI that is removed from physically secured location.
- (c) Ensure any media released from the Traverse City Police Department is properly sanitized / destroyed. (See Media Sanitization and Destruction Policy)
- (f) Timely application of system patches—part of configuration management.
  - (a) The agency shall identify applications, services, and information systems containing software or components affected by recently announced software flaws and potential vulnerabilities resulting from those flaws.
  - (b) When applicable, see the Traverse City Police Department Patch Management Policy.
- (g) Access control measures
  - 1. Address least privilege and separation of duties.
  - 2. Enable event logging of:
    - (a) Successful and unsuccessful system log-on attempts.
    - (b) Successful and unsuccessful attempts to access, create, write, delete or change permission on a user account, file, directory or other system resource.
    - (c) Successful and unsuccessful attempts to change account passwords.
    - (d) Successful and unsuccessful actions by privileged accounts.
    - (e) Successful and unsuccessful attempts for users to access, modify, or destroy the audit log file.
  - 3. Prevent authorized users from utilizing publicly accessible computers to access, process, store, or transmit CJI. Publicly accessible computers include but are not limited to: hotel business center computers, convention center computers, public library computers, public kiosk computers, etc.
- (h) Account Management in coordination with TAC
  - (a) Agencies shall ensure that all user IDs belong to currently authorized users.
- (i) Keep login access current, updated and monitored. Remove or disable terminated or transferred or associated accounts.
- (j) Authenticate verified users as uniquely identified.
- (k) Prevent multiple concurrent active sessions for one user identification, for those applications accessing CJI, unless the agency grants authority based upon operational business needs.
- (l) Not use shared generic or default administrative user accounts or passwords for any device used with CJI.
- (m) Passwords

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Physical Protection*

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- (a) Be a minimum length of eight (8) characters on all systems.
- (b) Not be a dictionary word or proper name.
- (c) Not be the same as the User ID.
- (d) Expire within a maximum of 90 calendar days.
- (e) Not be identical to the previous ten (10) passwords.
- (f) Not be transmitted in the clear or plaintext outside the secure location.
- (g) Not be displayed when entered.
- (h) Ensure passwords are only reset for authorized user.
- (n) Network infrastructure protection measures.
  - (a) Take action to protect CJI-related data from unauthorized public access.
  - (b) Control access, monitor, enabling and updating configurations of boundary protection firewalls.
  - (c) Enable and update personal firewall on mobile devices as needed.
  - (d) Ensure confidential electronic data is only transmitted on secure network channels using encryption and \*advanced authentication when leaving a physically secure location. No confidential data should be transmitted in clear text. \*Note: a police vehicle shall be considered a physically secure location.
  - (e) Ensure any electronic media that is removed from a physically secured location is encrypted in transit by a person or network.
  - (f) Not use default accounts on network equipment that passes CJI like switches, routers, firewalls.
  - (g) Make sure law enforcement networks with CJI shall be on their own network accessible by authorized personnel who have been vetted by the Traverse City Police Department. Utilize Virtual Local Area Network (VLAN) technology to segment CJI traffic from other noncriminal justice agency traffic to include other city and/or county agencies using same wide area network.
- (o) Communicate and keep the Traverse City Police Department informed of all scheduled and unscheduled network and computer downtimes, all security incidents and misuse. The ultimate information technology management control belongs to Traverse City Police Department.

#### **1102.10 VISITOR ACCESS/SECURITY ROLE AND RESPONSIBILITIES**

Administration of the Visitor Check-In / Check-Out procedure is the responsibility of identified individuals in each facility.

Prior to visitor gaining access to physically secure area:

- (a) The visitor will be screened by the Traverse City Police Department personnel for weapons. No weapons are allowed in the agency except when carried by authorized personnel as deemed authorized by the Traverse City Police Department.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Physical Protection*

---

- (b) The visitor will be screened for electronic devices. No personal electronic devices are allowed in any agency facility except when carried by authorized personnel as deemed authorized by the Traverse City Police Department.
- (c) Escort personnel will acknowledge being responsible for properly evacuating visitor in cases of emergency. Escort personnel will know appropriate evacuation routes and procedures.
- (d) Escort personnel will validate visitor is not leaving agency with any agency owned equipment or sensitive data prior to visitor departure.

All Traverse City Police Department personnel and supporting entities are responsible to report any unauthorized physical, logical, and electronic access to the Traverse City Police Department officials. For Traverse City Police Department, the point of contacts to report any non-secure access is:

LASO Name:	LASO Phone:	LASO email:
Jason Torrey	(231)995-5151	jtorrey@gandtraverse.org
AC Name:	AC Phone:	AC email:
Records Supervisor	(231)995-5150	travercitypolicedepartment@travercitymi.gov
State C/ISO Name:	C/ISO Phone:	C/ISO email:
Captain of Investigative Services	(231)995-5150	travercitypolicedepartment@travercitymi.gov

#### **1102.11 PENALTIES**

Violation of any of the requirements in this policy by any authorized personnel will result in suitable disciplinary action, up to and including loss of access privileges, civil and criminal prosecution and / or termination.

Violation of any of the requirements in this policy by any visitor can result in similar disciplinary action against the sponsoring employee, and can also result in termination of services with any associated consulting organization or prosecution in the case of criminal activity.

#### Other Related Resources:

- Media Sanitization and Destruction Policy (Required)
- Disciplinary Policy (Not Required)
- Personally Owned Device Policy (if allowed) (Required)
- FBI CJIS Security Policy
- Notification of Criminal Penalties Document
- Management Control Agreement
- FBI CJIS Security Addendum
- Security Awareness Training

## Media Protection

### 1103.1 PURPOSE

The intent of the Media Protection Policy is to ensure the protection of the Criminal Justice Information (CJI) until such time as the information is either released to the public via authorized dissemination (e.g. within a court system or when presented in crime reports data), or is purged or destroyed in accordance with applicable record retention rules. The local policy may augment, or increase the standards, but shall not detract from the CJIS Security Policy standards.

### 1103.2 SCOPE

The scope of this policy applies to any electronic or physical media containing MI/FBI Criminal Justice Information (CJI) while being stored, accessed or physically moved from a secure location from the Traverse City Police Department. This policy applies to any authorized person who accesses, stores, and / or transports electronic or physical media. Transporting CJI outside the agency's assigned physically secure area must be monitored and controlled.

Authorized Traverse City Police Department personnel shall protect and control electronic and physical CJI while at rest and in transit. The Traverse City Police Department will take appropriate safeguards for protecting CJI to limit potential mishandling or loss while being stored, accessed, or transported. Any inadvertent or inappropriate CJI disclosure and/or use will be reported to the Traverse City Police Department Local Agency Security Officer (LASO)/Terminal Agency Coordinator (TAC). Procedures shall be defined for securely handling, transporting and storing media.

### 1103.3 MEDIA STORAGE AND ACCESS

Controls shall be in place to protect electronic and physical media containing CJI while at rest, stored, or actively being accessed. "Electronic media" includes memory devices in laptops and computers (hard drives) and any removable, transportable digital memory media, such as magnetic tape or disk, backup medium, optical disk, flash drives, external hard drives, or digital memory card. "Physical media" includes printed documents and imagery that contain CJI.

To protect CJI, the Traverse City Police Department personnel shall:

- (a) Securely store electronic and physical media within a physically secure or controlled area. A secured area includes a locked drawer, cabinet, or room.
- (b) Restrict access to electronic and physical media to authorized individuals.
- (c) Ensure that only authorized users remove printed or digital media from the CJI.
- (d) Physically protect CJI until media end of life. End of life CJI is destroyed or sanitized using approved equipment, techniques and procedures. (See Media Sanitization Destruction Policy)
- (e) Not use personally owned information system to access, process, store, or transmit CJI unless the Traverse City Police Department has established and documented the

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Media Protection*

---

- specific terms and conditions for personally owned information system usage. (See Personally Owned Device Policy)
- (f) Not utilize publicly accessible computers to access, process, store, or transmit CJI. Publicly accessible computers include but are not limited to: hotel business center computers, convention center computers, public library computers, public kiosk computers, etc.
  - (g) Store all hardcopy CJI printouts maintained by the Traverse City Police Department in a secure area accessible to only those employees whose job function requires them to handle such documents.
  - (h) Safeguard all CJI by the Traverse City Police Department against possible misuse by complying with the Physical Protection Policy, Personally Owned Device Policy, and Disciplinary Policy.
  - (i) Take appropriate action when in possession of CJI while not in a secure area:
    - (a) CJI must not leave the employee's immediate control. CJI printouts cannot be left unsupervised while physical controls are not in place.
    - (b) Precautions must be taken to obscure CJI from public view, such as by means of an opaque file folder or envelope for hard copy printouts. For electronic devices like laptops, use session lock use and /or privacy screens. CJI shall not be left in plain public view. When CJI is electronically transmitted outside the boundary of the physically secure location, the data shall be immediately protected using encryption.
      - (a) When CJI is at rest (i.e. stored electronically) outside the boundary of the physically secure location, the data shall be protected using encryption. Storage devices include external hard drives from computers, printers and copiers used with CJI. In addition, storage devices include thumb drives, flash drives, back-up tapes, mobile devices, laptops, etc.
      - (b) When encryption is employed, the cryptographic module used shall be certified to meet FIPS 140-2 standards.
  - (j) Lock or log off computer when not in immediate vicinity of work area to protect CJI. Not all personnel have same CJI access permissions and need to keep CJI protected on a need-to- know basis.
  - (k) Establish appropriate administrative, technical and physical safeguards to ensure the security and confidentiality of CJI. (See Physical Protection Policy)

#### **1103.4 MEDIA TRANSPORT**

Controls shall be in place to protect electronic and physical media containing CJI while in transport (physically moved from one location to another) to prevent inadvertent or inappropriate disclosure and use. "Electronic media" means electronic storage media including memory devices in laptops and computers (hard drives) and any removable, transportable digital memory media, such as magnetic tape or disk, backup medium, optical disk, flash drives, external hard drives, or digital memory card.



# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Media Protection*

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Dissemination to another agency is authorized if:

- (a) The other agency is an Authorized Recipient of such information and is being serviced by the accessing agency, or
- (b) The other agency is performing personnel and appointment functions for criminal justice employment applicants.

The Traverse City Police Department personnel shall:

- (a) Protect and control electronic and physical media during transport outside of controlled areas.
- (b) Restrict the pickup, receipt, transfer and delivery of such media to authorized personnel.

The Traverse City Police Department personnel shall:

- (a) Protect and control electronic and physical media during transport outside of controlled areas.
- (b) Restrict the pickup, receipt, transfer and delivery of such media to authorized personnel.

The Traverse City Police Department personnel will control, protect, and secure electronic and physical media during transport from public disclosure by:

- (a) Use of privacy statements in electronic and paper documents.
- (b) Limiting the collection, disclosure, sharing and use of CJI.
- (c) Following the least privilege and role based rules for allowing access. Limit access to CJI to only those people or roles that require access.
- (d) Securing hand carried confidential electronic and paper documents by:
  - (a) Storing CJI in a locked briefcase or lockbox.
  - (b) Only viewing or accessing the CJI electronically or document printouts in a physically secure location by authorized personnel.
  - (c) For hard copy printouts or CJI documents:
    - (a) Package hard copy printouts in such a way as to not have any CJI information viewable.
    - (b) That are mailed or shipped, agency must document procedures and only release to authorized individuals. **DO NOT MARK THE PACKAGE TO BE MAILED CONFIDENTIAL.** Packages containing CJI material are to be sent by method(s) that provide for complete shipment tracking and history, and signature confirmation of delivery.
- (e) Not taking CJI home or when traveling unless authorized by Traverse City Police Department LASO. When disposing confidential documents, use a cross-cut shredder or the CDM Mobile Shredding bin.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Media Protection*

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##### **1103.5 ELECTRONIC MEDIA SANITATION AND DISPOSAL**

The agency shall sanitize, that is, overwrite at least three times or degauss electronic media prior to disposal or release for reuse by unauthorized individuals. Inoperable electronic media shall be destroyed (cut up, shredded, etc.). The agency shall maintain written documentation of the steps taken to sanitize or destroy electronic media. Agencies shall ensure the sanitization or destruction is witnessed or carried out by authorized personnel. Physical media shall be securely disposed of when no longer required, using formal procedures. For end of life media policy, refer to "Media Sanitization Destruction Policy".

##### **1103.6 BREACH NOTIFICATION AND INCIDENT REPORTING**

The agency shall promptly report incident information to appropriate authorities. Information security events and weaknesses associated with information systems shall be communicated in a manner allowing timely corrective action to be taken. Incident-related information can be obtained from a variety of sources including, but not limited to, audit monitoring, network monitoring, physical access monitoring, and user/administrator reports. The CSA ISO Computer Security Incident Response Capability Reporting Form CJIS.016 can be accessed and completed at [www.michigan.gov/lein](http://www.michigan.gov/lein) under the Sample Documentation button. The completed form can be submitted via email, directly from the form. This is handled by the Captain of Investigative Services according to procedure.

##### **1103.7 ROLES AND RESPONSIBILITIES**

If CJI is improperly disclosed, lost, or reported as not received, the following procedures must be immediately followed:

- (a) Traverse City Police Department personnel shall notify his/her supervisor or LASO, and an incident-report form must be completed and submitted within 24 hours of discovery of the incident. The submitted report is to contain a detailed account of the incident, events leading to the incident, and steps taken/to be taken in response to the incident.
- (b) The supervisor will communicate the situation to the LASO to notify of the loss or disclosure of CJI records.
- (c) The LASO will ensure the CSA ISO (CJIS System Agency Information Security Officer) is promptly informed of security incidents.
- (d) The CSA ISO will:
  - (a) Establish a security incident response and reporting procedure to discover, investigate, document, and report to the CSA, the affected criminal justice agency, and the FBI CJIS Division ISO major incidents that significantly endanger the security or integrity of CJI.
  - (b) Collect and disseminate all incident-related information received from the Department of Justice (DOJ), FBI CJIS Division, and other entities to the appropriate local law enforcement POCs within their area.
  - (c) Act as a single POC for their jurisdictional area for requesting incident response assistance.

# Traverse City Police Department

TCPD Policy Manual

TCPD Policy Manual

## *Media Protection*

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### **1103.8 PENALTIES**

Violation of any of the requirements in this policy by any authorized personnel will result in suitable disciplinary action, up to and including loss of access privileges, civil and criminal prosecution and / or termination.

Other Related Resources:

- Media Sanitization and Destruction Policy (Required)
- Physical Protection Policy (Required)
- Personally Owned Device Policy (if allowed) (Required)

## Media Sanitization and Destruction

### 1104.1 PURPOSE

The purpose of this policy is to outline the proper disposal/sanitization/destruction of media (physical or electronic) at Traverse City Police Department. These rules are in place to protect sensitive and classified information, employees and Traverse City Police Department. Inappropriate disposal of Traverse City Police Department and Criminal Justice Information (CJI) and media may put employees, Traverse City Police Department and LEIN/NCIC at risk.

### 1104.2 SCOPE

This policy applies to all Traverse City Police Department employees, contractors, temporary staff, and other workers at Traverse City Police Department, with access to LEIN/NCIC CJIS systems and/or data, sensitive and classified data, and media. This policy applies to all equipment that processes, stores, and/or transmits LEIN/NCIC CJI and classified and sensitive data that is owned or leased by Traverse City Police Department.

### 1104.3 POLICY

When no longer usable, hard drives, diskettes, tape cartridges, CDs, ribbons, hard copies, print-outs, and other similar items used to process, store and/or transmit CJI and classified and sensitive data shall be properly disposed of in accordance with measures established by Traverse City Police Department.

Physical media (print-outs and other physical media) shall be disposed of by one of the following methods:

- (a) shredded using Traverse City Police Department issued cross-cut shredders
- (b) placed in locked shredding bins for CDM Mobile Shredding to come on-site and cross-cut shred, witnessed by Traverse City Police Department personnel throughout the entire process

Electronic media (hard-drives, tape cartridge, CDs, printer ribbons, flash drives, printer and copier hard-drives, etc.) shall be disposed of by one of the Traverse City Police Department methods:

- (a) **Overwriting (at least 3 times)** - an effective method of clearing data from magnetic media. As the name implies, overwriting uses a program to write (1s, 0s, or a combination of both) onto the location of the media where the file to be sanitized is located.
- (b) **Degaussing** - a method to magnetically erase data from magnetic media. Two types of degaussing exist: strong magnets and electric degausses. Note that common magnets (e.g., those used to hang a picture on a wall) are fairly weak and cannot effectively degauss magnetic media.
- (c) **Destruction** – a method of destroying magnetic media. As the name implies, destruction of magnetic media is to physically dismantle by methods of crushing, disassembling, etc., ensuring that the platters have been physically destroyed so that no data can be pulled.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Media Sanitization and Destruction*

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IT systems that have been used to process, store, or transmit FBI CJI and/or sensitive and classified information shall not be released from Traverse City Police Department's control until the equipment has been sanitized and all stored information has been cleared using one of the above methods.

#### **1104.4 PENALTIES**

Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination.

## Disciplinary Policy

### 1105.1 PURPOSE

In support of Traverse City Police Department's mission of public service to the City of Traverse City citizens, the Traverse City Police Department provides the needed technological resources needed to personnel to access MI/FBI CJIS systems and information in support of the agency's mission.

### 1105.2 SCOPE

All agency personnel, with access to MI/FBI Criminal Justice Information (CJI) or any system with stored MI/FBI CJI, have a duty to protect the system and related systems from physical and environmental damage and are responsible for correct use, operation, care and maintenance of the information. All technology equipment: computers, laptops, software, copiers, printers, terminals, MDTs, mobile devices, live scan devices, fingerprint scanners, software to include RMS/CAD, operating systems, etc., used to process, store, and/or transmit MI/FBI CJIS is a privilege allowed by Traverse City Police Department, MI CSO, and the FBI. To maintain the integrity and security of the Traverse City Police Department's and MI/FBI's CJIS systems and data, this computer use privilege requires adherence of relevant federal, state and local laws, regulations and contractual obligations. All existing laws and Traverse City Police Department regulations and policies apply, including not only those laws and regulations that are specific to computers and networks, but also those that may apply to personal conduct.

### 1105.3 POLICY

Misuse of computing, networking or information resources may result in temporary or permanent restriction of computing privileges up to employment termination. In some misuse situations, account privileges will be suspended to prevent ongoing misuse while under investigation. Additionally, misuse can be prosecuted under applicable statutes. All files are subject for search. Where follow-up actions against a person or agency after an information security incident involves legal action (either civil or criminal), the evidence shall be collected, retained, and presented to conform to the rules for evidence laid down in the relevant jurisdiction(s). Complaints alleging misuse of Traverse City Police Department's computing and network resources and MI/FBI CJIS systems and/or data will be directed to those responsible for taking appropriate disciplinary action.

### 1105.4 EXAMPLES OF MISUSE WITH ACCESS TO MI/FBI CJI

- (a) Using someone else's login.
- (b) Leaving computer logged in with your login credentials unlocked, allowing anyone to access Traverse City Police Department systems and/or MI/FBI CJIS systems and data in your name.
- (c) Allowing unauthorized person to access MI/FBI CJI at any time for any reason. Note: Unauthorized use of the MI/FBI CJIS systems is prohibited and may be subject to criminal and/or civil penalties.

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Disciplinary Policy*

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- (d) Allowing remote access of Traverse City Police Department issued computer equipment to MI/FBI CJIS systems and/or data without prior authorization by Traverse City Police Department.
- (e) Obtaining a computer account that you are not authorized to use.
- (f) Obtaining a password for a computer account of another account owner.
- (g) Using the Traverse City Police Department's network to gain unauthorized access to CJIS.
- (h) Knowingly performing an act which will interfere with the normal operation of MI/FBI CJIS systems.
- (i) Knowingly propagating a computer virus, Trojan horse, worm and malware to circumvent data protection or compromising existing security holes to MI/FBI CJIS systems.
- (j) Masking the identity of an account or machine.
- (k) Posting materials publicly that violate existing laws.
- (l) Attempting to monitor or tamper with another user's electronic mail or files by reading, copying, changing, or deleting without explicit agreement of the owner.
- (m) Unauthorized possession of, loss of, or damage to Traverse City Police Department's technology equipment with access to CJIS through unreasonable carelessness or maliciousness.
- (n) Maintaining CJIS or duplicate copies of official Traverse City Police Department files in either manual or electronic formats at his or her place of residence or in other physically non-secure locations without express permission.
- (o) Using Traverse City Police Department's technology resources and/or CJIS systems for personal or financial gain.
- (p) Deliberately failing to report promptly any known technology-related misuse by another employee that may result in criminal prosecution or discipline under this policy.
- (q) Using personally owned devices on Traverse City Police Department's network to include personally-owned thumb drives, CDs, mobile devices, tablets on Wi Fi, etc. Personally owned devices should not store Traverse City Police Department data, or CJIS.

The above listing is not all-inclusive and any suspected technology resource or MI/FBI CJIS system or MI/FBI CJIS misuse will be handled by Traverse City Police Department on a case by case basis. Activities will not be considered misuse when authorized by appropriate Traverse City Police Department officials for security or performance testing.

#### **1105.5 PRIVACY POLICY**

All agency personnel utilizing agency-issued technology resources funded by Traverse City Police Department expressly acknowledges and agrees that such service, whether for business or personal use, shall remove any expectation of privacy. Use of Traverse City Police Department systems indicates consent to monitoring and recording. The Traverse City Police Department

# Traverse City Police Department

## TCPD Policy Manual

### TCPD Policy Manual

#### *Disciplinary Policy*

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reserves the right to access and audit any and all communications including electronic and physical media at rest, in transit and at end of life. Traverse City Police Department personnel shall not store personal information with an expectation of personal privacy that are under the control and management of Traverse City Police Department.

#### **1105.6 PERSONAL USE OF AGENCY TECHNOLOGY**

The computers, electronic media and services provided by Traverse City Police Department are primarily for business use to assist personnel in the performance of their jobs. Limited, occasional, or incidental use of electronic media (sending or receiving) for personal, non-business purposes is understandable and acceptable, and all such use should be done in a manner that does not negatively affect the system's use for their business purposes. However, employees are expected to demonstrate a sense of responsibility and not abuse this privilege.

#### **1105.7 MISUSE NOTIFICATION**

Due to the increase in the number of accidental or malicious computer attacks against both government and private agencies, Traverse City Police Department shall: (i) establish an operational incident handling capability for all information systems with access to MI/FBI CJIS systems and data. This includes adequate preparation, detection, analysis, containment, recovery, and user response activities; (ii) track, document, and report incidents to appropriate agency officials and/or authorities.

ISOs have been identified as the POC on security-related issues for their respective agencies and shall ensure LASOs institute the CSA incident response reporting procedures at the local level.

All Traverse City Police Department personnel are responsible to report misuse of Traverse City Police Department technology resources to appropriate Traverse City Police Department officials.

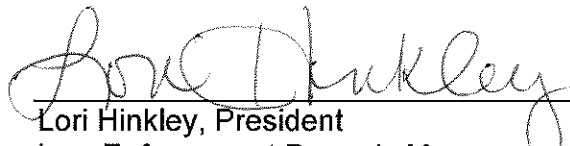


## Attachments

**General LE retention schedule.pdf**

## GENERAL SCHEDULE #11 – Local Law Enforcement Agencies

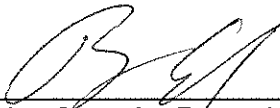
This Retention and Disposal Schedule covers records that are commonly found in Local Law Enforcement Agencies. The records that are described on the attached pages are deemed necessary (1) for the continued effective operations of Michigan government, (2) to constitute an adequate and proper recording of its activities, and (3) to protect the legal rights of the government of the State of Michigan and of the people. We, the undersigned, believe that this schedule meets the administrative, legal, fiscal and archival requirements of the State of Michigan.



Lori Hinkley, President  
Law Enforcement Records Management Association (LERMA)

3/6/18

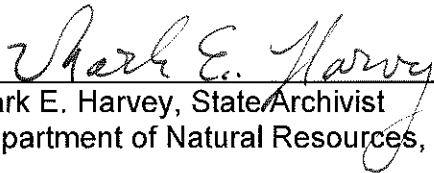
(Date)



Brice Sample, Records Manager  
Department of Technology, Management & Budget, Records Management Services

3/9/18

(Date)



Mark E. Harvey, State Archivist  
Department of Natural Resources, Archives of Michigan

3/27/18

(Date)

**APPROVED**

State Administrative Board

4/24/18

(Date)

State of Michigan  
Records Management Services  
General Retention Schedule #11

<b>General Schedule #11 - Local Law Enforcement</b>				
Item #	Series Title	Series Description	Retention Period	Approval Date
000000 -	Introduction	This schedule applies to law enforcement at all levels of local government, including counties, cities, townships, villages, tribal, colleges/universities, etc. Records Division: 11.001 - 11.060 Administration Division: 11.100 - 11.150 County Jail Division: 11.200 - 11.224		
11.001 -	Abandoned Vehicle Notice	These records document vehicles that are abandoned/impounded. They may include, but may not be limited to, photographs, data describing the vehicle, TR-52 "Notice of Abandoned Vehicle" forms, and requests from wrecker companies. (MCL 257.252b)	RETAIN UNTIL: Calendar year ends PLUS: 2 years THEN: Destroy	08/02/2005
11.002 -	Accident Reports	These records document accidents reported to the Michigan State Police either electronically or on the UD-10 "Uniform Traffic Crash Report" form. (MCL 257.622)	RETAIN UNTIL: Calendar year ends PLUS: 3 years THEN: Destroy	08/02/2005
11.003 -	Animal Control	These records document activity associated with animal control. They may include, but may not be limited to, transactions, receipts, complaints, desk logs, euthanasia logs, research animal logs, road logs, stray animal logs, tranquilizer logs, warning notices, waivers, wildlife logs, and ledgers from money collected through licenses and fines.	RETAIN UNTIL: Calendar year ends PLUS: 7 years THEN: Destroy	08/02/2005
11.004 -	Animal Control - Citations	These records document the issuance of animal control citations. If the citation is not paid, these records are passed on to the district court so a warrant or fine can be issued.	RETAIN UNTIL: Calendar year ends PLUS: 3 years THEN: Destroy	08/02/2005
11.005 -	Animal Control - Dog License Data	This database tracks dog licenses. Data may include, but may not be limited to, money paid, license number, dog name, dog history, owner name and contact information.	RETAIN UNTIL: Calendar year ends PLUS: 7 years THEN: Destroy	08/02/2005
11.006 -	Animal Control - Return to Owner Records	These records document the return of animals to owners. They are used to validate the amount of a fine, based on the number of pickups. They may include, but may not be limited to, the name, date, and address of animal owner.	RETAIN UNTIL: Calendar year ends PLUS: 1 year THEN: Destroy	08/02/2005
11.009 -	Arrest/Detention Log Data	These records identify people who were arrested. They may include, but may not be limited to, names, dates, charges, and disposition.	RETAIN UNTIL: Calendar year ends PLUS: 5 years THEN: Destroy	06/13/2017

State of Michigan  
Records Management Services  
General Retention Schedule #11

11.010 -	Blood Alcohol Content (BAC) Logs	These records document the evidentiary breath test that is administered to a suspect. They do not document preliminary tests.	RETAIN UNTIL: Calendar year ends PLUS: 3 years THEN: Destroy	06/13/2017
11.011 -	Background Checks	These records document background checks that are used to determine if an individual has committed any previous crimes.	RETAIN UNTIL: Calendar year ends PLUS: 1 year THEN: Destroy	08/02/2005
11.012 -	Bicycle Registrations	These records are used to recover stolen bicycles. They may include, but may not be limited to, the owner name, contact information, bicycle description, serial number, and registration tag number.	RETAIN UNTIL: Calendar year ends PLUS: 5 years THEN: Destroy	08/02/2005
11.013 -	Cab Records	These records document licenses that are issued to oversized vehicles. The licenses grant permission to move throughout the community for a maximum of 1 year.	RETAIN UNTIL: Calendar year ends PLUS: 2 years THEN: Destroy	08/02/2005
11.014 -	Complaint Log Data	These records document the tracking of incidents. They may include, but may not be limited to, incident numbers, date, time, names, location, and nature of crime.	RETAIN UNTIL: Calendar year ends PLUS: 2 years THEN: Destroy	08/02/2005
11.015 -	Computer Aided Dispatch (CAD) Log Data	These records document the dispatch of officers for incidents. They may include, but may not be limited to, incident type, who responded, incident number generated, and date and time.	RETAIN UNTIL: Calendar year ends PLUS: 2 years THEN: Destroy	08/02/2005
11.016 -	Field Contact Information	These records document individuals who are involved in suspicious activities. They may include, but may not be limited to, names, date, and activity or charge.	RETAIN UNTIL: No longer of reference value THEN: Destroy	06/13/2017
11.017 -	Discovery Orders	These records document discovery orders submitted by attorneys for information related to cases.	RETAIN UNTIL: Calendar year ends PLUS: 1 year THEN: Destroy	08/02/2005
11.018 -	Evidence Property Log Data	These records document what has come into, and left, the evidence storage area. They may include, but may not be limited to, the receipt number, case number, and complaint number.	RETAIN UNTIL: Related incident report is destroyed THEN: Destroy	06/13/2017
11.019 -	Expunged Records Information	These records document what records were expunged. They may include, but may not be limited to the name, charge, date, and correspondence.	RETAIN UNTIL: Calendar year ends PLUS: 3 years THEN: Destroy	08/02/2005
11.020 -	Extradition Packets	These records document the extradition of a suspect or prisoner to a different jurisdiction.	RETAIN UNTIL: Calendar year ends PLUS: 10 years THEN: Destroy	08/02/2005

State of Michigan  
Records Management Services  
General Retention Schedule #11

11.021 -	Federal Firearms License (FFL) Applications	These records document who applied for a federal firearms license. They are completed by licensed firearm dealers and forwarded to the federal government. They may include, but may not be limited to, "snaps out" of the registration form (ATF-Form 8 part II), and supporting documentation.	RETAIN UNTIL: Dealer license is no longer in force THEN: Destroy	08/02/2005
11.022 -	Fingerprint Records	<p>These records document fingerprints that are collected. They may include, but may not be limited to, Arrest/Fingerprint Cards (RI-07) that are used to submit fingerprints to the Michigan State Police pursuant to P.A. 289 of 1925, and other laws.</p> <p><i>NOTE: Michigan State Police (MSP) is the official recordkeeper for fingerprints. The fingerprints retained by local law enforcement agencies should be convenience copies, and they can be destroyed in compliance with General Schedule #1. If an agency has fingerprints that are not duplicates of records maintained by MSP, please contact the Biometric and Identification Division.</i></p>	See note.	06/13/2017
11.023 -	Freedom of Information Act (FOIA) Requests	These records document requests for information or public records. They may include, but may not be limited to, requests for information, correspondence, a copy of the information released, and billing information.	RETAIN UNTIL: Request is filled PLUS: 1 year THEN: Destroy	06/13/2017
11.024 -	Gem Dealer Information	These records document the registration of dealers of precious metal or gems in compliance with P.A. 95 of 1981. They may include registration documents, supply transaction information regarding sales to police agencies, etc. MCL 445.484 authorizes destruction of the transaction records after 1 year, if there is no investigation on the precious items involved in the transaction.	RETAIN UNTIL: Calendar year ends PLUS: 1 year THEN: Destroy	08/02/2005
11.025 -	Identification Data and Images	These records document individuals whose identity is verified by local law enforcement. They may include, but may not be limited to, fingerprints and photographs of the individuals.	RETAIN UNTIL: Related incident report is destroyed THEN: Destroy	06/13/2017

State of Michigan  
Records Management Services  
General Retention Schedule #11

11.026A -	Incident Files - Non-Criminal (supersedes item #11.038A)	These records document non-criminal incidents. They are typically filed according to the number assigned by the central dispatch. They may include, but may not be limited to, arrest records, Uniform Traffic Crash Reports (UD-10), computer printouts, written reports, statements, photos, negatives, crime lab reports, copies of warrants, affidavit of warrant, Breath, Blood, Urine Test Reports (DI-177), Refusal to be Tested forms (DI-93), LEIN breath entry, Blood Alcohol Content reports, Blood Alcohol Content Data Master, supplemental reports, court disposition, receipts, OUIL cost recovery, case logs, discovery request, attorney request, affidavit for search warrants, liquor inspection reports, Property/Evidence Inventory Form, driver re-exam requests, diagrams, and interrogation video recordings. Classification is assigned according to what the person was charged with doing, not what they pled to.	RETAIN UNTIL: Incident file is closed PLUS: 3 years THEN: Destroy	04/24/2018
11.026B -	Incident Files - Misdemeanor (supersedes item #11.038B)	These records document misdemeanor incidents. They are typically filed according to the number assigned by the central dispatch. They may include, but may not be limited to, arrest records, Uniform Traffic Crash Reports (UD-10), computer printouts, written reports, statements, photos, negatives, crime lab reports, copies of warrants, affidavit of warrant, Breath, Blood, Urine Test Reports (DI-177), Refusal to be Tested forms (DI-93), LEIN breath entry, Blood Alcohol Content reports, Blood Alcohol Content Data Master, supplemental reports, court disposition, receipts, OUIL cost recovery, case logs, discovery request, attorney request, affidavit for search warrants, homicide reports, liquor inspection reports, Property/Evidence Inventory Form, driver re-exam requests, diagrams, and interrogation video recordings. Classification is assigned according to what the person was charged with doing, not what they pled to.	RETAIN UNTIL: Incident file is closed and there are no open warrants PLUS: 7 years THEN: Destroy	04/24/2018

State of Michigan  
Records Management Services  
General Retention Schedule #11

11.026C -	Incident Files - Felony (supersedes item #11.038C)	<p>These records document felony incidents. They are typically filed according to the number assigned by the central dispatch. They may include, but may not be limited to, arrest records, Uniform Traffic Crash Reports (UD-10), computer printouts, written reports, statements, photos, negatives, crime lab reports, copies of warrants, affidavit of warrant, Breath, Blood, Urine Test Reports (DI-177), Refusal to be Tested forms (DI-93), LEIN breath entry, Blood Alcohol Content reports, Blood Alcohol Content Data Master, supplemental reports, court disposition, receipts, OUIL cost recovery, case logs, discovery request, attorney request, affidavit for search warrants, homicide reports, liquor inspection reports, Property/Evidence Inventory Form, driver re-exam requests, diagrams, and interrogation video recordings. Classification is assigned according to what the person was charged with doing, not what they pled to.</p>	<p>RETAIN UNTIL:  Incident file is closed and there are no open warrants  PLUS: 20 years  THEN: Destroy</p>	04/24/2018
11.026D -	Incident Files - Homicide/Felony CSC (supersedes item #11.038D)	<p>These records document homicide and criminal sexual conduct incidents. They are typically filed according to the number assigned by the central dispatch. They may include, but may not be limited to, arrest records, Uniform Traffic Crash Reports (UD-10), computer printouts, written reports, statements, photos, negatives, crime lab reports, copies of warrants, affidavit of warrant, Breath, Blood, Urine Test Reports (DI-177), Refusal to be Tested forms (DI-93), LEIN breath entry, Blood Alcohol Content reports, Blood Alcohol Content Data Master, supplemental reports, court disposition, receipts, OUIL cost recovery, case logs, discovery request, attorney request, affidavit for search warrants, homicide reports, liquor inspection reports, Property/Evidence Inventory Form, driver re-exam requests, diagrams, and interrogation video recordings. Classification is assigned according to what the person was charged with doing, not what they pled to.</p>	<p>RETAIN UNTIL:  Incident file is closed and there are no open warrants  PLUS: 110 years  THEN: Destroy</p>	04/24/2018



State of Michigan  
Records Management Services  
General Retention Schedule #11

11.027 -	Intake/Release Property Records	These records document which personal property items were removed from an individual who is held by a city/township/village police agency prior to transfer to a county facility or release. They may include, but may not be limited to, personal history information.	RETAIN UNTIL: Calendar year ends PLUS: 1 year THEN: Destroy	08/02/2005
11.028 -	Juvenile Arrest Records & Fingerprint Cards	These records document juveniles who are arrested. They may include, but may not be limited to, a physical description of the youth, name, date of birth, date of emancipation, charge, disposition, photographs, fingerprints, court records, witness reports, and incident reports.	RETAIN UNTIL: Juvenile's 17th birthday THEN: Destroy	08/02/2005
11.029 -	Letters of Clearance	These records are issued by an agency to a private citizen to document that they were not involved in criminal activity within the community.	RETAIN UNTIL: Calendar year ends PLUS: 1 year THEN: Destroy	08/02/2005
11.030 -	Liquor Inspection Records	These records document establishments that sell or serve liquor. They may include, but may not be limited to, quarterly inspection reports completed by officers pertaining to the named establishment.	RETAIN UNTIL: Calendar year ends PLUS: 3 years THEN: Destroy	08/02/2005
11.031 -	Liquor License Establishment Records	These records document monitoring of licenses issued to liquor establishments. They may include, but may not be limited to, liquor licenses issued by the Michigan Liquor Control Commission, drawings, background information, tax information, bank statements, birth certificates, LEIN printouts, I Chat responses, and Auto-Track reports.	RETAIN UNTIL: Establishment is no longer in business THEN: Destroy	08/02/2005
11.032 -	Miscellaneous Business Licenses	These records document businesses within a community that may be required by local ordinances to register with the agency. Examples include arcades, auction firms, massage facilities, spas, pawnshops, car shops, etc.	RETAIN UNTIL: Establishment is no longer in business PLUS: 1 year THEN: Destroy	08/02/2005
11.033 -	Officer Dailies	These records document the daily activity of road patrol and animal control officers.	RETAIN UNTIL: Calendar year ends PLUS: 3 years THEN: Destroy	08/02/2005
11.034 -	Officer's Monthly Activity Evaluation	These records document officer activity for the month. They are generated from information collected in the dailies completed by patrol officers.	RETAIN UNTIL: Calendar year ends PLUS: 2 years THEN: Destroy	08/02/2005
11.035 -	Pawn Shop Slips	These records document items received by pawn shops. They are submitted by pawnshops in compliance with P.A. 231 of 1945. They assist with the recovery of stolen material.	RETAIN UNTIL: Calendar year ends PLUS: 3 years THEN: Destroy	08/02/2005

State of Michigan  
Records Management Services  
General Retention Schedule #11

11.036 -	Peddlers License Records	These records document citizens who sell door-to-door, and are used to verify an individual's legitimacy. They may include, but may not be limited to, background checks, and computer printouts.	RETAIN UNTIL: Calendar year ends PLUS: 1 year THEN: Destroy	08/02/2005
11.037 -	Personal Protection Orders (PPO)	These records document personal protection orders issued by the court.	RETAIN UNTIL: PPO expires THEN: Destroy	08/02/2005
11.039 -	Pistol Purchase Permits/Registrations (obsolete)	These records document individuals who apply for a Pistol Purchase Permit and individuals who have applied/passed and purchased a pistol. They may include, but may not be limited to, copies of the RI-10 "Purchase Permit" that is forwarded onto Michigan State Police (MSP) for registration and permanent retention. MCL 28.422 requires that the RI-10 be kept for a period of 6 years by the local agency as the official record. These records may also include the RI-9 "Dealer Application & License to Purchase." As of January 7th, 2009 MCL 28.422a requires the RI-60 "Pistol Sales Record" to be kept for 6 years. These are not C.C.W. "Carrying Concealed Weapons" records. C.C.W. records are maintained by the County Clerk. The pistol test form should not be retained.	RETAIN UNTIL: Calendar year ends PLUS: 6 years THEN: Destroy	08/02/2005
11.040 -	Radio Logs	These records document calls that officers were dispatched on.	RETAIN UNTIL: Calendar year ends PLUS: 2 years THEN: Destroy	08/02/2005
11.041 -	Records Management Database and Imaging System Data and Documents (supersedes item #11.042)	These records document incidents and activities handled by the law enforcement agency. They may include, but may not be limited to, information associated with case processing, accident processing, dispatch, gun permits, gun registration, wants/warrants, jacket processing, public safety inquiry, jail inquiry, incident reports, booking reports, jail reports, general orders, district court inquiries, subpoenas, tickets/citations, prisoner locations, non-inmate cash receipts, financial systems, case reporting, accident reporting, outstanding receipts, incident numbers, offense, officer, date, case disposition, location, property records, receipts, vehicle records, evidence logs, abandoned vehicles, administrative records, miscellaneous registrations, and permits. These systems may be linked to other systems, such as the L.E.I.N. or M.I.C.R. systems.	RETAIN: Data and documents in the system in compliance with the other items on this schedule that establish a retention period for the content OR, RETAIN: 110 years, whichever is sooner THEN: Destroy	06/13/2017

State of Michigan  
Records Management Services  
General Retention Schedule #11

11.043 -	Roll Call Log	These records document who is on duty each day when roll call is taken.	RETAIN UNTIL: Calendar year ends PLUS: 5 years THEN: Destroy	08/02/2005
11.044 -	Roll Call Board	These records document which information was distributed to officers at the beginning of each shift.	RETAIN UNTIL: Calendar year ends PLUS: 2 years THEN: Destroy	08/02/2005
11.045 -	Salvaged Vehicle Report	These records document citizens who applied for a Salvaged Vehicle Title.	RETAIN UNTIL: Calendar year ends PLUS: 2 years THEN: Destroy	08/02/2005
11.046 -	Sex Offender Address Verification	These records document tracking of the location of sex offenders. They may include, but may not be limited to, Michigan Sex Offender Registration forms (DD-4) that are required by P.A. 295 of 1994 to register sex offenders. Information from the forms is entered into the L.E.I.N.	RETAIN: Only the most recent registrations THEN: Destroy previous registrations	08/02/2005
11.047 -	Skate Park Registrations	These records document skate park equipment like skateboards, roller blades, helmets, pads, etc. They may include, but may not be limited to, the owner's name, contact information, description of equipment, serial number and registration tag number.	RETAIN UNTIL: Calendar year ends PLUS: 5 years THEN: Destroy	08/02/2005
11.048 -	Special Transportation Permit	These records document the issuing of permits to allow a one-time movement of an oversized load/object. They expire after the date of the move. They may include, but may not be limited to, a description of what was moved, equipment, route, date, company name, and fees.	RETAIN UNTIL: Permit expires THEN: Destroy	08/02/2005
11.049 -	Subpoenas	These records document subpoenas received to appear in court or requesting for information.	RETAIN UNTIL: Calendar year ends PLUS: 1 year THEN: Destroy	08/02/2005
11.050 -	Taxicab Permit Records (obsolete)	These records document the issuing of taxicab driver permits. They may include, but may not be limited to, applications, computer printouts, and background checks. <i>Note: Per MCL 257.2101 - 2153, transportation network companies, taxicabs, and certain limousines are now regulated by the Department of Licensing and Regulatory Affairs.</i>	RETAIN UNTIL: Permit is no longer active THEN: Destroy	08/02/2005

State of Michigan  
Records Management Services  
General Retention Schedule #11

11.051 -	Temporary License Plate Records	These records document temporary license plates issued by the agency.	RETAIN UNTIL: Calendar year ends PLUS: 2 years THEN: Destroy	08/02/2005
11.052 -	Tickets/Citations	These records document traffic citations that are issued. They are filed by issuing officer and by year. They are used by the officer when reporting to court in response to the citation that was issued.	RETAIN UNTIL: Calendar year ends PLUS: 3 years THEN: Destroy	06/13/2017
11.053 -	Ticket/Citation Book Receipts	This records document the ticket/citation numbers for the book and the officer that it was assigned to.	RETAIN UNTIL: Calendar year ends PLUS: 3 years THEN: Destroy	06/13/2017
11.054 -	Ticket/Citation Logs	These records document the tickets that were issued. A copy is forwarded to the courts.	RETAIN UNTIL: Calendar year ends PLUS: 3 years THEN: Destroy	06/13/2017
11.055 -	Vehicle Lockout Waiver	These records document waivers signed by citizens that ask officers to unlock their vehicle, and releases the department from liability associated with any damage that may occur.	RETAIN UNTIL: Calendar year ends PLUS: 1 year THEN: Destroy	08/02/2005
11.056 -	Vehicle Impound/Release Records	These records document the release of vehicles that were impounded. They may include, but may not be limited to, the complaint number, vehicle, wrecker agent, and release information.	RETAIN UNTIL: Calendar year ends PLUS: 2 years THEN: Destroy	08/02/2005
11.057 -	Audio and Video Recordings	These records document audio and/or video that is recorded using any type of device of routine surveillance/security, training, patrols, incidents, activities, red light violations, public space or crowd monitoring, etc. The recordings are cleared and re-used on a monthly basis. <i>Recordings that contain evidence of incidents are retained until the case is solved, closed and litigation ends.</i> (MCL 780.316)	RETAIN UNTIL: Recording is created PLUS: 30 days THEN: Destroy	04/24/2018
11.057A	Body Worn Camera Recordings - Formal Complaint	These records document recordings captured by body worn cameras (a device worn by a law enforcement officer), if the recording is relevant to a formal complaint against a law enforcement officer or agency. (MCL 780.316) This retention period is in addition to the timeframe referenced in item #11.057.	RETAIN UNTIL: Date created PLUS: 3 years THEN: Destroy	04/24/2018

State of Michigan  
Records Management Services  
General Retention Schedule #11

11.058 -	Warrants	These records document warrants that were issued by the court/prosecutor. They may include, but may not be limited to, orders for release, protective conditions, case sheets, L.E.I.N. printouts, and Warrant/Vehicle Worksheets. They are active until the suspect is arrested or recalled by a court. They are used to verify LEIN entries when audited. After the individual is arrested they are forwarded to the arresting authority or prosecutor.	RETAIN UNTIL: Warrant is no longer active and no longer in L.E.I.N. THEN: Destroy	08/02/2005
11.059 -	Prescription Drug Destruction Records	These records document the weight of drugs received for destruction. They may include, but may not be limited to, the location, weight, activity dates, and people involved.	RETAIN UNTIL: Documents are created PLUS: 3 years THEN: Destroy	06/13/2017
11.060 -	Traffic Crash Release Acknowledgement Forms	These records document when someone obtains a traffic crash report within 30 days of a crash.	RETAIN UNTIL: Calendar year ends PLUS: 2 years THEN: Destroy	06/13/2017
11.061 -	License Plate Reader (LPR) Information	These records document license plate information (images and metadata) that are collected by LPR devices to support investigations. They may include, but may not be limited to, plate information, location and GPS coordinates, time and date of image capture, and camera identification.	RETAIN UNTIL: Date created PLUS: 1 year THEN: Destroy	04/24/2018
11.100 -	Accounts Receivable Records	These records document money received for restitution payments. They may include, but may not be limited to, transactions, and daily balances.	RETAIN UNTIL: Calendar year ends PLUS: 6 years THEN: Destroy	08/02/2005
11.101 -	Administrative Training Schedule	These records document in-house and external training. They may include, but may not be limited to, dates, course titles, and training hours the officer received.	RETAIN UNTIL: Calendar year ends PLUS: 5 years THEN: Destroy	08/02/2005
11.102 -	Alarm Billings	These records document the billing for alarms and false alarms that officers respond to. They may include, but may not be limited to, billings, statements, and receipts.	RETAIN UNTIL: Calendar year ends PLUS: 2 years THEN: Destroy	08/02/2005
11.103 -	Americans with Disabilities Act (A.D.A.) Files	These records document compliance with the Americans with Disabilities Act. They may include, but may not be limited to, employee medical records, criminal history checks, background checks, driving record, workers compensation information, disability information, and credit report.	RETAIN UNTIL: Employment ends PLUS: 3 years THEN: Destroy	08/02/2005

State of Michigan  
Records Management Services  
General Retention Schedule #11

11.104 -	Annual Reports	These records document annual reporting of activities and events.	PERMANENT	08/02/2005
11.105 -	Bank Statements	These records document money that was received and then deposited for preliminary breath tests, vehicle fines, bonds, etc.	RETAIN UNTIL: Calendar year ends PLUS: 6 years THEN: Destroy	08/02/2005
11.106 -	Bond Receipts	These records document the payment of bail bonds. The form is a 3-part document. 1 copy is issued to the bonder, 1 copy is forwarded to the courts, and the agency retains 1 copy. The form identifies the person's name, case number, charges, date, appearance information, amount of bail, etc.	RETAIN UNTIL: Calendar year ends PLUS: 1 year THEN: Destroy	08/02/2005
11.107 -	Budget Records	These records document the development of annual budgets. They may include, but may not be limited to, the amount that was requested and eventually approved, proposals, salary information, projected overtime reports, vehicle and equipment needs/assessments.	RETAIN UNTIL: Calendar year ends PLUS: 6 years THEN: Destroy	08/02/2005
11.108A -	Building Plans - Buildings Owned by the Law Enforcement Agency	These records document buildings that are owned by the law enforcement agency. They are used to construct and maintain buildings and other infrastructure. They may include, but may not be limited to, blueprints, building plans, drawing plans and diagrams of the office/jail.	RETAIN UNTIL: Building is destroyed, or transfer to the new owner if the building is sold THEN: Destroy	06/13/2017
11.108B	Building Plans - Buildings the Law Enforcement Agency Provides Security For	These records document buildings that the law enforcement agency may need to provide security/protection for. They may include, but may not be limited to, blueprints, building plans, security system information, and emergency plans.	RETAIN UNTIL: Superseded by new versions, or when security is no longer required THEN: Destroy	06/13/2017
11.109 -	Committee Records	These records documents internal committees associated with the office, such as the Awards Committee. They may include, but may not be limited to, membership lists, agendas, supporting documentation, minutes, and reports.	RETAIN UNTIL: Calendar year ends PLUS: 2 years THEN: Destroy	08/02/2005
11.110 -	Complaints - Citizens	These records document any complaints filed by citizens against an officer. They may include, but may not be limited to, date, citizen information, description of the incident, and action taken (if any).	RETAIN UNTIL: Calendar year ends PLUS: 2 years THEN: Destroy	08/02/2005
11.111 -	Complaints - Internal	These records document internal incidents that involve officers. They may include, but may not be limited to, date, people involved, and action taken (if any).	RETAIN UNTIL: Calendar year ends PLUS: 2 years THEN: Destroy	08/02/2005

State of Michigan  
Records Management Services  
General Retention Schedule #11

11.112 -	Contracts	These records document agreements between the agency and anyone else. They are used for various services including, but not limited to, jail housing, medical examiners, jail doctors, medical personnel, police services, students, union labor, training and vendors.	RETAIN UNTIL: Contract expires PLUS: 6 years THEN: Destroy	08/02/2005
11.113 -	Correspondence (supersedes item #11.114)	These records document communication between staff members within the department, correspondence with outside groups, generally inquiries from the public or other government agencies, etc. This correspondence does not relate to specific incidents or initiatives. This correspondence is arranged chronologically or by correspondent name, and it is not filed in topical files or case files.	RETAIN UNTIL: Calendar year ends PLUS: 2 years THEN: Destroy	08/02/2005
11.115 -	General Orders and Policies	These records document internal policies, general orders and department orders issued by the Sheriff/Chief. They may include, but may not be limited to, official bulletins that are used to convey information to the administrative staff, deputies, officers and jail staff.	PERMANENT	08/02/2005
11.116 -	Disposition of Department Property/Equipment	These records document equipment/property donated or disposed of with a value over \$500.00.	RETAIN UNTIL: Item is disposed of PLUS: 5 years THEN: Destroy	08/02/2005
11.117 -	Drug Forfeiture Records	These records document the seizure of property related to drug traffic/offenses, pursuant to MCL 333.7524. They may include, but may not be limited to, descriptions of what was seized, titles, deeds, and disposition of the item(s).	RETAIN UNTIL: Calendar year ends PLUS: 7 years THEN: Destroy	08/02/2005
11.118A -	Grant Records - Received	These records document grants that the law enforcement agency received. They may include, but may not be limited to, applications, financial reports, progress reports, final reports, and supporting documentation.	RETAIN UNTIL: Grant is closed by the grantor PLUS: 7 years THEN: Destroy	08/02/2005
11.118B	Grant Records - Denied	These records document grants that the law enforcement agency applied for, but were denied. They may include, but may not be limited to, applications, and supporting documentation.	RETAIN UNTIL: Grant is denied PLUS: 1 year THEN: Destroy	06/13/2017
11.119 -	Grievance Files	These records document grievances filed against union contracts.	RETAIN UNTIL: Calendar year ends PLUS: 7 years THEN: Destroy	08/02/2005

State of Michigan  
Records Management Services  
General Retention Schedule #11

11.120 -	Job Applications-Not Interviewed/Not Hired	These records document individual job applicants who were not interviewed. They may include, but may not be limited to, resumes, applications, and supporting documentation.	RETAIN UNTIL: Calendar year ends PLUS: 1 year THEN: Destroy	08/02/2005
11.121 -	Job Applications-Interviewed/Not Hired	These records document individual job applicants who were interviewed, but not hired. They may include, but may not be limited to, resumes, applications, and supporting documentation.	RETAIN UNTIL: Calendar year ends PLUS: 2 years THEN: Destroy	08/02/2005
11.122 -	Invoices - Original	These records document invoices that are generated by the department for false alarms, inmate meals, police contract services, overtime, licenses, etc.	RETAIN UNTIL: Calendar year ends PLUS: 6 years THEN: Destroy	08/02/2005
11.123 -	Job Descriptions	These records document job classification systems and positions. They may include, but may not be limited to, research, surveys, or reviews done to create job descriptions, as well as job classifications and selection criteria, etc. Job descriptions may include a summary of responsibilities, functions, applicant requirements, salary and benefit classifications.	RETAIN UNTIL: Job description is superseded THEN: Destroy	08/02/2005
11.124 -	Litigation Files	These records document litigation to which the department or an officer is a party. They may include, but may not be limited to, depositions, transcripts, decisions, correspondence, data, exhibits, research materials, reports, press releases, and media clippings.	RETAIN UNTIL: Case is closed PLUS: 10 years THEN: Destroy	08/02/2005
11.125 -	Mutual Aid Agreements	These records document agreements executed between the department and other agencies to provide mutual support as needed during a crisis or emergency.	RETAIN UNTIL: Agreement ends PLUS: 10 years THEN: Destroy	08/02/2005
11.126 -	Officer Field Training Observations (FTO)	These records document a new officer's training period, such as performance, areas needing improvement during their probation period after being hired, etc. They may include, but may not be limited to, dailies, daily observations, weekly summaries, road logs, tickets, UD-10's, case reports, warrants, and property receipts.	RETAIN UNTIL: Probation period ends PLUS: 2 years THEN: Destroy	08/02/2005
11.127 -	Official Bulletins	These records document internal bulletins that are used to distribute information. Departments receiving the bulletins must sign to acknowledge receipt. These are reviewed annually to determine if they should become a Department Order or Policy.	RETAIN UNTIL: Calendar year ends PLUS: 2 years THEN: Destroy	08/02/2005
11.128 -	Outside Employment Form	These records document employees who have a second job. It is authorized by the agency and used to identify any conflicts of interest.	RETAIN UNTIL: Employment ends THEN: Destroy	08/02/2005



State of Michigan  
Records Management Services  
General Retention Schedule #11

11.129 -	Overtime Equalization Records	These records document overtime used/submitted by officers. It is used to resolve any immediate issues with pay.	RETAIN UNTIL: Calendar year ends PLUS: 2 years THEN: Destroy	08/02/2005
11.130 -	Payroll Timesheets	These records document timesheets that are completed and forwarded to the payroll office.	RETAIN UNTIL: Calendar year ends PLUS: 5 years THEN: Destroy	08/02/2005
11.131 -	Personnel Information Records	These records document summary information that is collected about employees. They may include, but may not be limited to, employee badge number, FOIA number, MITN number, phone number, address, seniority, hire date, termination date, and birthday.	RETAIN UNTIL: Employment ends THEN: Destroy	08/02/2005
11.132 -	Personnel Files	These records document the personnel transactions for each employee. If these records are maintained centrally by the local government's human resources department, the law enforcement agency's copy is a duplicate covered by General Schedule #1.	RETAIN UNTIL: Term of employment ends PLUS: 6 years THEN: Destroy	04/24/2018
11.132A -	MCOLES Certified Employee Separation Records	These records document the reason for, and circumstances surrounding, a separation of service for employees who are Michigan Commission on Law Enforcement Standards (MCOLES) certified. (MCL 28.563)	RETAIN UNTIL: Employee separates PLUS: 50 years THEN: Destroy	04/24/2018
11.133 -	Position Interview Questions	These records document interview questions that are associated with the job descriptions. They are updated as the job descriptions are updated. The questions are used in the interview process to assure the same questions are asked to all candidates.	RETAIN UNTIL: Questions are superseded THEN: Destroy	08/02/2005
11.134 -	Promotional Results	These records document testing that qualifies officers for promotion. They may include, but may not be limited to, test scores, test sheets, order of ranking, and results of offsite testing.	RETAIN UNTIL: Test is no longer active THEN: Destroy	08/02/2005
11.135 -	Receipt Books	These records document money received for preliminary breath tests, vehicle fines, bonds, etc.	RETAIN UNTIL: Calendar year ends PLUS: 6 years THEN: Destroy	08/02/2005
11.136 -	Ride Along Waiver	This is a waiver of liability signed by a citizen who rides with the deputies. It is used to document the date and the name of the person who participated.	RETAIN UNTIL: Calendar year ends PLUS: 1 year THEN: Destroy	08/02/2005

State of Michigan  
Records Management Services  
General Retention Schedule #11

11.137 -	Training Bulletins	These records document notifications to a department or officers that they are scheduled for upcoming training.	RETAIN UNTIL: Calendar year ends PLUS: 2 years THEN: Destroy	08/02/2005
11.138 -	Training Files	These records document the training that officers received. They may include, but may not be limited to, training schedules, certificates, course descriptions, and receipts.	RETAIN UNTIL: Employment ends PLUS: 7 years THEN: Destroy	08/02/2005
11.139 -	Training Fund	These records document money available and spent from the training fund.	RETAIN UNTIL: Calendar year ends PLUS: 5 years THEN: Destroy	08/02/2005
11.140 -	Unclaimed Monies	These records document unclaimed money that is transferred to the treasury. It is deposited into the general fund.	RETAIN UNTIL: Calendar year ends PLUS: 6 years THEN: Destroy	08/02/2005
11.141 -	Uniform Crime Reports	These records document crime statistics and other information that is generated by the Michigan State Police.	RETAIN UNTIL: Calendar year ends PLUS: 6 years THEN: Destroy	08/02/2005
11.142 -	Calendars	These records document an employee's work schedule, activities and tasks. They may include, but may not be limited to, automated or manual planners and calendars.	RETAIN UNTIL: Event takes place PLUS: 2 years THEN: Destroy	06/13/2017
11.143 -	Livery Program Records	These records document inspections of boat liveries that are conducted annually on behalf of the Department of Natural Resources, Law Enforcement Division. They may include, but may not be limited to, applications, inspection worksheets, correspondence, and supporting documentation.	RETAIN UNTIL: Calendar year ends PLUS: 7 years THEN: Destroy	06/13/2017
11.144 -	Equipment Maintenance Records	These records document the maintenance of equipment used by law enforcement agency. They may include, but may not be limited to, manuals, calibration documentation, repair documentation, information about replacement parts and supplies, and supporting documentation.	RETAIN UNTIL: Equipment is no longer is use THEN: Destroy	06/13/2017

State of Michigan  
Records Management Services  
General Retention Schedule #11

11.145 -	Transitory Records	<p>These records document the activities of an agency or employee, but have temporary value and do not need to be retained once their intended purpose has been fulfilled. These records are not an integral part of administrative or operational activities, are not required to sustain administrative or operational functions, are not regularly filed in a standard recordkeeping system, are not required to meet statutory obligations, and are recorded only for the time required for the completion of actions. Examples of transitory records include routine requests for information that require no: administrative action, policy decision, special compilation or research. They may include, but may not be limited to, requests to order supplies, and reminders for an upcoming meeting.</p>	<p>RETAIN UNTIL: Activity is completed THEN: Destroy</p>	06/13/2017
11.146 -	Administrative Subject Files	<p>These records document various topics, issues, projects or activities that an agency/employee is involved in. Subject files are generally organized alphabetically by topic. They may include, but may not be limited to, topical reference files about issues, strategic planning files for the agency or specific initiatives, and special project files. Document types may include topical correspondence, memoranda, reports, research, articles, meeting notes, and related background materials. Subject files do NOT include case files, human resource files, accounting records and other specific function-based records.</p>	<p>RETAIN UNTIL: Topic is closed PLUS: 5 years THEN: Destroy</p>	06/13/2017
11.147 -	Meeting Records - Public Bodies	<p>These records document the official activities of public bodies that are subject to the provisions of the Open Meetings Act, such as governing boards, community advisory bodies, etc. They include, but may not be limited to, meeting minutes, agendas, recordings, and documentation reviewed and considered for decision-making during the meeting. Note: recordings may be destroyed after the meeting minutes are approved.</p>	PERMANENT	06/13/2017
11.148 -	Meeting Records - Staff Meetings	<p>These records document internal staff meetings. They may include, but may not be limited to, agendas, minutes, and handouts.</p>	<p>RETAIN UNTIL: Calendar year ends PLUS: 2 years THEN: Destroy</p>	06/13/2017

State of Michigan  
Records Management Services  
General Retention Schedule #11

11.149 -	Visitor Logs	These records document individuals who visited the facility who are not employees. They may include, but may not be limited to, sign in/out sheets or other records that contain the visitor's name, and date/time of arrival and departure.	RETAIN UNTIL: Calendar year ends PLUS: 2 years THEN: Destroy	06/13/2017
11.150 -	Facility Access Data	These records document employees who used a badge or key card to access a building or other type of facility. Data may include, but may not be limited to, location that was accessed, employee information, and date/time of access.	RETAIN UNTIL: Calendar year ends PLUS: 2 years THEN: Destroy	06/13/2017
11.200 -	Jail - Booking Center Log	These records document jail inmate counts.	RETAIN UNTIL: Calendar year ends PLUS: 7 years THEN: Destroy	08/02/2005
11.201 -	Jail - Check Logs	These records document the hourly checks performed by correction officers to confirm inmate counts and location.	RETAIN UNTIL: Calendar year ends PLUS: 4 years THEN: Destroy	08/02/2005
11.202 -	Jail - Daily Count Summary	These records document the hourly check log that verifies inmate counts.	RETAIN UNTIL: Calendar year ends PLUS: 1 year THEN: Destroy	08/02/2005
11.203 -	Jail - Daily Work Schedules	These records document the actual time worked by jail deputies.	RETAIN UNTIL: Calendar year ends PLUS: 3 years THEN: Destroy	08/02/2005
11.204A -	Jail - Facility Management Data	These records document jail security monitoring by corrections officers. They may include, but may not be limited to, door activity, inmate activity, and inmate movement throughout the facility.	RETAIN UNTIL: Calendar year ends PLUS: 25 years THEN: Destroy	08/02/2005
11.204B -	Jail - Facility Management Video	These records document jail security monitoring by corrections officers. They may include, but may not be limited to, audio and video monitoring of inmates and the facility. Recordings are typically rotated every 30 days, unless an incident occurs that would require the media to be pulled from rotation during an investigation.	RETAIN UNTIL: Recording is created PLUS: 1 month THEN: Destroy	08/02/2005
11.205 -	Jail - Housing Report	These records document the count of inmates who are housed in the jail.	RETAIN UNTIL: Calendar year ends PLUS: 1 year THEN: Destroy	08/02/2005
11.206 -	Jail - Incidents	These records document incidents inside the jail. They include, but may not be limited to, incident numbers, what happened, when, and disciplinary action taken.	RETAIN UNTIL: Calendar year ends PLUS: 10 years THEN: Destroy	08/02/2005

State of Michigan  
Records Management Services  
General Retention Schedule #11

11.207 -	Jail - Inmate Bank Reconciliation Statements	These records document bank accounts for inmates. They are used to reconcile accounts for charges associated with housing costs. They include, but may not be limited to, bank statements.	RETAIN UNTIL: Calendar year ends PLUS: 6 years THEN: Destroy	08/02/2005
11.208 -	Jail - Inmate Claim for Reimbursement of Booking Fee	These records document the process of returning money collected for the booking fee, if the accused was found to be innocent.	RETAIN UNTIL: Calendar year ends PLUS: 6 years THEN: Destroy	08/02/2005
11.209 -	Jail - Inmate Hygiene Kit Log	These records document that the inmate received his/her personal hygiene kit.	RETAIN UNTIL: Calendar year ends PLUS: 1 year THEN: Destroy	08/02/2005
11.210 -	Jail - Inmate Jackets	These records document inmates of the jail. They may include, but may not be limited to, intake records, booking cards, medical review information, mug shots, classification documents, classification review documents, defendant's sentencing record, orientation check sheets, medical and financial release forms, primary classification, inmate property release forms, transfer to prison, official court documents, inmate release forms, arrest cards, writ papers, visitation authorizations, weekend work agreements, time cards, commitments, library requests, correspondence, incidents, disciplinary action, bonds, mental health forms, kites, warrants, haircut requests, extradition paperwork, and Blood Alcohol Content reports. The records are filed by inmate number. If an inmate returns, they are re-issued the original number. Some folders may contain information about multiple arrests for the same individual.	RETAIN UNTIL: Inmate is released PLUS: 10 years THEN: Destroy	08/02/2005
11.211 -	Jail - Inmate Medical Records	These records document medical care received by jail inmates. They are created and maintained by the jail doctor. They may include, but may not be limited to, inmate release records, medical notes, health appraisals, medical questionnaires, medical sheets, medical requests, x-rays, test results, and prescriptions issued. All inmates are (re)evaluated when imprisoned. (MCL 333.16213)	RETAIN UNTIL: Calendar year ends PLUS: 7 years UNLESS: Permission is obtained from the patient to destroy sooner THEN: Destroy	10/30/2012
11.212 -	Jail - Inmate Property Intake/Release Records	These records document personal property removed from an individual held in a county facility or released. They may include, but may not be limited to, personal history information.	RETAIN UNTIL: Calendar year ends PLUS: 1 year THEN: Destroy	08/02/2005

State of Michigan  
Records Management Services  
General Retention Schedule #11

11.213 -	Jail - Inmate Receipts	These records document money that was received from inmates associated with bond fees, work release and weekender passes. They may include, but may not be limited to, receipts.	RETAIN UNTIL: Calendar year ends PLUS: 1 year THEN: Destroy	08/02/2005
11.214 -	Jail - Inmate Request Forms ("Kites")	These records document requests from inmates to the jail staff, and the response from the department.	RETAIN UNTIL: Calendar year ends PLUS: 2 years THEN: Destroy	08/02/2005
11.215 -	Jail - Inmate Social Security Information	These records document money that is received from social security for inmates. It is reported back to the federal government.	Destroy 10 years after the inmate is released.	08/02/2005
11.216 -	Jail - Inmate Trust Fund	These records document money that is spent/deposited by inmates into their own trust fund. They may include, but may not be limited to, commissary records, booking fees, invoices, daily balances, invoices indigent, haircut lists, check statements, voided checks, bond fees, weekly transaction statements, credit bureau housing fees, restitution payments, deposit books, and cleared checks.	RETAIN UNTIL: Calendar year ends PLUS: 6 years THEN: Destroy	08/02/2005
11.217 -	Jail - Inspections	These records document annual inspections of the jail that are conducted by the Michigan Department of Corrections.	RETAIN UNTIL: Calendar year ends PLUS: 1 year THEN: Destroy	08/02/2005
11.218 -	Jail - Jail Population Information System (JPIS) Reports	These records document monthly summaries that are produced from the Jail Population Information System (JPIS), a database that is owned by the Michigan Department of Corrections. JPIS is used to tabulate data from all counties on inmate counts, types of crimes, release information, and sentencing information.	RETAIN UNTIL: Calendar year ends PLUS: 2 years THEN: Destroy	08/02/2005
11.219 -	Jail - Midnight Counts	These records document the number of inmates admitted, released, males, females, and status of sent/unsent. They are submitted to the State of Michigan. They may include, but may not be limited to, both daily and monthly summaries.	RETAIN UNTIL: Calendar year ends PLUS: 2 years THEN: Destroy	08/02/2005
11.220 -	Jail - Ministry Volunteer Applications	These records document people who volunteer their time to counsel inmates, such as AA counselors, clergy, etc. They include, but may not be limited to, signed waivers.	RETAIN UNTIL: Calendar year ends PLUS: 1 year THEN: Destroy	08/02/2005
11.221 -	Jail - Overtime Sign up Sheet	These records document overtime requests submitted by corrections officers. They may include, but may not be limited to, the officer's name, and date available.	RETAIN UNTIL: Calendar year ends PLUS: 2 years THEN: Destroy	08/02/2005

State of Michigan  
Records Management Services  
General Retention Schedule #11

11.222 -	Jail - Pass on Books	These records document the hourly inmate counts and log each inmate's movement within the facility.	RETAIN UNTIL: Calendar year ends PLUS: 2 years THEN: Destroy	08/02/2005
11.223 -	Jail - Transmittal of Booking Fees	These records document the number of bookings that took place during a quarter. P.A. 124 of 2003 requires that \$2.00 of the \$12.00 fee that is collected for booking be submitted to the State of Michigan, and be deposited in a training fund. The records may include Local Corrections Officers Training Fund forms (4147), etc.	RETAIN UNTIL: Calendar year ends PLUS: 6 years THEN: Destroy	08/02/2005
11.224 -	Jail - Visitor Log	These records document individuals who enter the jail to visit an inmate or to perform a professional service, such as clergy, lawyers, maintenance workers, etc.	RETAIN UNTIL: Calendar year ends PLUS: 2 years THEN: Destroy	08/02/2005

**TCPD 300.2 Use of Force Report  
Revised 2021-0405 - Fillable.pdf**





# Traverse City Police Department

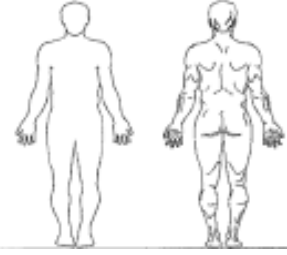
## Use of Force Report



*Each Officer utilizing use of force or control over and above routine handcuffing and escort techniques are required, by departmental policy, to complete a separate form as soon as practicable after the use of force.*

Incident Information				
Type of Incident:	Date of Incident:	Time of Incident:		
Case Number:	File Class(es):			
Location of Incident:				
Location Type (street, business, residence, etc.):				
Location where the Use of Force Occurred:				
Number of TCPD officers (including yourself) who applied actual force during the incident:				
Total number of officers (including yourself) who applied actual force during the incident:				
Did the officer(s) approach the subject(s)?	Yes	No		
Was it an ambush incident?	Yes	No		
Was a supervisor or a senior officer consulted during the incident?	Yes	No		
If yes, name/rank/badge:				
What was the reason for initial contact between the subject and the officer? (routine patrol, traffic stop, etc.)				
If the initial contact was due to unlawful activity, what was the most serious offense the individual was suspected of?				
<input type="checkbox"/> Simple Assault	<input type="checkbox"/> Arrest Warrant	<input type="checkbox"/> Obstruct Police		
<input type="checkbox"/> Aggravated/Felonious Assault	<input type="checkbox"/> Search Warrant	<input type="checkbox"/> Armed Individual		
<input type="checkbox"/> Domestic Assault	<input type="checkbox"/> Traffic Stop (OWI, DWLS)	<input type="checkbox"/> Suicidal Subject		
<input type="checkbox"/> Assault a Police Officer	<input type="checkbox"/> Flee & Elude Police	<input type="checkbox"/> Other:		
Subject Information				
Name:		Age:	DOB:	
Sex:	Height:	Weight:	Ethnicity:	Race:
<i>*If multiple combatants were involved in the incident, a form must be completed for each combatant.</i>				
Officer Information				
Name:			Age:	
Sex:	Height:	Weight:	Ethnicity:	Race:
Years of service in law enforcement (total tenure as an officer):				
Employment Status:		Full Time	Reserve	Seasonal
Were you on duty at the time of the incident?			Yes	No
Were you readily identifiable as a police officer? ( <i>uniform, soft clothes, undercover</i> )			Yes	No
Describe:				
Were you equipped with a body worn camera?			Yes	No
If yes, was the device activated?			Yes	No
If no, why was the device not activated?				

<b>Officer's Reason for Use of Control Method(s) (Check All Applicable)</b>			
<input type="checkbox"/>	To Effect Arrest	<input type="checkbox"/>	Actively Resisting Arrest
<input type="checkbox"/>	Threat to Another Officer/Person	<input type="checkbox"/>	To Restrain for Subject's Safety
<input type="checkbox"/>	Attempting to Evade Arrest	<input type="checkbox"/>	Other:
Did the subject(s) resist?		<input type="checkbox"/>	Yes <input type="checkbox"/>
No			
Type(s) of resistance or weapon involvement (threats, active aggression, firearm, etc.):			
Did the subject direct a threat to the officer, another party or both?		<input type="checkbox"/>	Officer <input type="checkbox"/>
Other			
Did the subject have a known or apparent impairment, such as a mental health condition or being under the influence of drugs or alcohol?		<input type="checkbox"/>	Yes <input type="checkbox"/>
No			
If yes, describe (mental health/alcohol/drugs/unknown):			
Was the subject(s) believed to have a weapon?		<input type="checkbox"/>	Yes <input type="checkbox"/>
No			
If yes, describe:			
<b>Control Methods Used</b>			
Officer Presence:		<input type="checkbox"/>	Uniformed Patrol <input type="checkbox"/>
Plain Clothes <input type="checkbox"/>			
Verbal Directions:			
Suspect Response:			
<b>Compliance Controls</b>		<input type="checkbox"/>	NA
<input type="checkbox"/>	Muscling Techniques (Guide/Hold/Direct)	<input type="checkbox"/>	Straight Armbar Takedown
<input type="checkbox"/>	Head Control	<input type="checkbox"/>	Transport Wrist Lock
Other:			
<b>Pressure Points (Soft Empty Hand Techniques)</b>		<input type="checkbox"/>	NA
<input type="checkbox"/>	Hypoglossal	<input type="checkbox"/>	Brachial Plexus Origin
<input type="checkbox"/>	Mandibular Angle	<input type="checkbox"/>	Jugular Notch
<input type="checkbox"/>	Infra Orbital	<input type="checkbox"/>	Other:
<b>Physical Controls (Hard Empty Hand Techniques)</b>		<input type="checkbox"/>	NA
<i>Strikes:</i>			
<input type="checkbox"/>	Brachial Stun	<input type="checkbox"/>	Brachial Plexus Tie-in
<input type="checkbox"/>	Suprascapular	<input type="checkbox"/>	Radial Nerve
<input type="checkbox"/>	Median Nerve	<input type="checkbox"/>	Common Peroneal, Knee
Other Strikes			
<i>Kicks:</i>			
<input type="checkbox"/>	Common Peroneal	<input type="checkbox"/>	Superficial Peroneal
<input type="checkbox"/>	Femoral	<input type="checkbox"/>	Other Kicks
<i>Handcuffs:</i>			
<input type="checkbox"/>	Iron Wrist Lock Takedown	<input type="checkbox"/>	Double Lock Handcuffs

<b>Less Lethal Controls (Taser Deployment Information)</b>			<b>NA</b>			
Taser Serial #:		Cartridge Serial #:		Not Applicable		
Photographs Taken		Evidence Collected		Taser Downloaded		
<b>Taser Use</b> Check all that apply: <input type="checkbox"/> Implied or Unholstered <input type="checkbox"/> Arched <input type="checkbox"/> Laser Activated <input type="checkbox"/> Pointed <input type="checkbox"/> Deployed  Did it gain compliance? <input type="checkbox"/> Yes <input type="checkbox"/> No		Type of Taser Contact: <input type="checkbox"/> Dart Probe <input type="checkbox"/> Drive Stun  Did both darts make contact: <input type="checkbox"/> Yes <input type="checkbox"/> No	Number of Applications:  Did subject receive Taser charge: <input type="checkbox"/> Yes <input type="checkbox"/> No	Approximate distance at time of launch:  Did subject's clothing prevent dart contact: <input type="checkbox"/> Yes <input type="checkbox"/> No	Indicate Points of Contact 	
Indicate any other method used to attempt control of subject prior to Taser Application <input type="checkbox"/> Verbal <input type="checkbox"/> Soft Empty Hand Controls <input type="checkbox"/> Impact Weapon <input type="checkbox"/> Other: <input type="checkbox"/> None <input type="checkbox"/> Hard Empty Hand Controls <input type="checkbox"/> Aerosol						
Nature of any injuries to subject related to Taser:						
Describe the subject's demeanor after application of Taser:						
<b>Less Lethal Controls (Aerosol Deployment Information)</b>			<b>NA</b>			
Removed from Holster		Deploy Spray		Evidence Collected		
Approximate distance from subject when deployed (in feet):						
Approximate number of bursts:			Was it effective on subject? <input type="checkbox"/> Yes <input type="checkbox"/> No			
<b>Restraints Used:</b>		<b>NA</b>				
Spit Hood		Leg Restraint		Chair Restraint at the Jail		
<b>Other Control:</b>						
<b>Deadly Force Response</b>			<b>NA</b>			
<b>Firearm Used:</b> <input type="checkbox"/> Pistol <input type="checkbox"/> Shotgun <input type="checkbox"/> Patrol Rifle			<b>Firearm:</b> <input type="checkbox"/> Drawn <input type="checkbox"/> Aimed at Subject <input type="checkbox"/> Fired			
Other Deadly Force:						
<b>Injury/Medical Attention</b>						
Did the application of force cause a visible injury?				Yes	No	
Suspect		Nature of Injury:				
Medical Facility:						
Did the suspect refuse medical treatment?				Yes	No	
Officer		Nature of Injury:				
Medical Facility:						
Was the City Injury Form Completed?				Yes	No	
<b>Additional Information</b>						
Did the individual indicate any intent to pursue litigation?				Yes	No	
If yes, has this been communicated through the chain of command?				Yes	No	
Suspect Examined		Miranda Waived <input type="checkbox"/> Yes <input type="checkbox"/> No		Interview Recorded		
Photographs Taken		Witness(es) Identified:				

Reporting Officer/Detective					
<i>I attest to the information recorded in this form; it is factual, accurate, and true to the best of my knowledge and belief at the time of the incident.</i>					
Officer Name (printed):				Badge #	
Signature:					
Date:			Time:		
Sergeant Review					
Was this form completed in accordance with departmental policy and procedure?				Yes	No
Report Reviewed?	Yes	No	Report Attached?	Yes	No
Video Reviewed?	Yes	No	Asset Secured?	Yes	No
Recommendations (if any):	Review Policy	Evaluate Equipment	Training Required	Discipline Required	
Describe:					
<i>I attest to the meaningful review of the information recorded in this form; it is factual, accurate, and true to the best of my knowledge and belief at the time of reporting.</i>					
Sergeant Name (printed):				Badge #	
Sergeant Signature:					
Date:			Time:		
Lieutenant Review					
Was this form completed in accordance with departmental policy and procedure?				Yes	No
Report Reviewed?	Yes	No	Report Attached?	Yes	No
Video Reviewed?	Yes	No	Asset Secured?	Yes	No
Recommendations (if any):	Review Policy	Evaluate Equipment	Training Required	Discipline Required	
Describe:					
<i>I attest to the meaningful review of the information recorded in this form; it is factual, accurate, and true to the best of my knowledge and belief at the time of reporting.</i>					
Lieutenant Name (printed):				Badge #	
Lieutenant Signature:					
Date:			Time:		
Division Commander Review and Recommendation					
Was this form forwarded through the chain of command?				Yes	No
Report Reviewed?	Yes	No	Report Attached?	Yes	No
Video Reviewed?	Yes	No	Asset Secured?	Yes	No
Was the use of force in compliance with policy?				Yes	No
Was the use of force justified?				Yes	No
Is this use of force being referred for administrative investigation?				Yes	No
Follow up action (if any):	Review Policy	Evaluate Equipment	Training Required	Discipline Required	
Describe:					
<i>I attest to the meaningful review of the information recorded in this form; it is factual, accurate, and true to the best of my knowledge and belief at the time of reporting.</i>					
Division Commander Name (printed):				Badge #	
Division Commander Signature:					
Date:			Time:		
Report logged in Guardian Tracking?				Yes	No
Date:			Time:		

**GTC620 Victim Assistance\_Spanish BR.pdf**

## Violencia Doméstica

La "violencia doméstica" incluye varias acciones agresivas entre individuos. Una persona que asalta o asalta y golpea a su cónyuge o excónyuge, una persona con la que ha tenido un hijo en común, un residente o ex residente de su hogar o una persona con la que tiene o ha tenido una relación amorosa. Los actos de violencia doméstica están específicamente prohibidos por la ley estatal y, en la mayoría de los casos, un oficial de policía puede realizar un arresto inmediato para evitar más agresiones.

Puede obtener una copia del reporte de incidente policial para su caso por comunicándose con la agencia de aplicación de la ley que manejó el incidente.

Sus derechos legales incluyen el derecho a ir a la corte y presentar una petición solicitando una orden de protección personal (PPO) para protegerlo a usted u otros miembros de su hogar del abuso doméstico, lo que podría incluir impedir que el abusador haga lo siguiente:

- Entrar en los edificios.
- Asaltarlo, atacarlo, golpearlo, molestarlo o herirlo.
- Retirar a los niños menores de edad, a menos que sea autorizado por una orden de custodia o de tiempo de crianza dictada por un tribunal de jurisdicción competente.
- Participar en un comportamiento de acosador.
- Comprar o poseer un arma de fuego.
- Interferir con sus esfuerzos para sacar a sus hijos o propiedad personal de los edificios que son de propiedad exclusiva o arrendadas por el abusador.
- Interferir con usted en su lugar de trabajo o educación o participar en una conducta que perjudique su relación laboral o su ambiente laboral o educativo.
- Participar en cualquier otro acto o conducta específica que imponga o interfiera con su libertad personal o que cause una aprensión razonable de violencia.
- Tener acceso a la información en los registros sobre cualquier hijo menor que tenga con el abusador que le informaría al abusador sobre su dirección o número de teléfono, o su dirección de empleo.

Sus derechos legales también incluyen el derecho a ir a la corte y presentar una moción para obtener una orden para demostrar la causa y una audiencia si el abusador o perpetrador está violando la PPO y no ha sido arrestado.

Número de informe de incidente \_\_\_\_\_

Fecha del incidente \_\_\_\_\_

Tipo de reporte: \_\_\_\_\_

Oficial Investigador/a \_\_\_\_\_

Numero de placa \_\_\_\_\_

Si desea que se le notifique de un arresto en su caso o la liberación de la persona arrestada o ambos, puede comunicarse con la agencia policial e informarles. Si no se le notifica de un arresto en su caso, puede comunicarse con la agencia de aplicación de la ley para conocer el estado.

### Declaración de Derechos de La Víctima

1. **Estar libre de intimidación**
2. **Para ser informado de la posible compensación financiera para las víctimas de delitos violentos.**
3. **Ser informado de una posible compensación por comparecencias ante el tribunal.**
4. **Ser informado de agencias de servicios sociales que pueden ayudarlo.**
5. **Ser asistido por nuestras agencias de justicia penal.**

Si es víctima de violencia doméstica, ¡no estás sola! Usted no es responsable del comportamiento violento de otra persona y hay ayuda disponible para usted.

- Comuníquese inmediatamente con su agencia de policía local si siente que es víctima de violencia doméstica.
- Comuníquese con el Centro de Intervención de Crisis de Tercer Nivel para obtener asesoramiento y / o asistencia con referencias, 231-922-4800.
- Un hogar de refugio de emergencia y / o consejería está disponible para mujeres y niños a través del Centro de Recursos para Mujeres, 231-941-1210.  
Consulte la parte posterior de este folleto para obtener una lista de varias agencias que lo.

### Safe Haven (Refugio Seguro)

Durante los problemas de relación, muchas parejas intentan intercambiar a sus hijos en lugares públicos. En algunos casos, estos arreglos resultan en enfrentamientos violentos entre los padres frente a los hijos. SAFE HAVEN proporciona un entorno seguro para que las familias visiten o intercambien a sus hijos. Los padres no se ven, usan entradas separadas para intercambiar a sus hijos de manera segura.

## Support is Available

**Emergencia**  
Marque 911

**Oficina del Sheriff del condado de Grand Traverse**  
851 Woodmere Avenue  
231-995-5000

**Departamento de Policía de Traverse City**  
851 Woodmere Avenue  
231-995-5150

**Policía del Estado de Michigan**  
231-946-4647

**Centro de Intervención Crítico de Tercer Nivel**  
231-922-4800 o 1-800-442-7315

**Centro de Recursos para Mujeres**  
231-941-1210 o 1-800-554-4972

**Abogado Fiscal**  
231-922-4600

**Coordinadora de Derechos de las Víctimas**  
**La oficina del fiscal**  
231-922-4607

**Tribunal de Distrito 86**  
231-922-4580

**Tribunal del 13 Circuito**  
231-922-4707

**División de Familia del Tribunal del 13 Circuito**  
231-922-4640

**Safe Haven (Refugio Seguro)**  
**Centro de Visitas e Intercambio Supervisado**  
3785 Veterans Drive  
231-946-8975

**Munson Medical Center/SANE (Centro médico Munson)**  
231-935-6333

**Michigan VINELink**  
(800) 770-7657 / [www.VINELink.com](http://www.VINELink.com)

**La violencia doméstica es un crimen**  
**REPORTE TODOS LOS INCIDENTES!**

GTC/ 620  
Rev. 07/21

# Programa de Asistencia a las Víctimas

## y Respuesta Comunitaria a la Violencia Doméstica

## y las Víctimas de Agresión Sexual



Sheriff del Condado de Grand Traverse



Dept. de Policía de Traverse City



Policía del Estado Michigan

*Querido ciudadano/a:*

*Ser víctima de un delito puede ser una experiencia muy traumática y, con demasiada frecuencia, son los derechos y las necesidades de la víctima quienes no se satisfacen.*

*Es por esas razones que la Oficina del Sheriff del Condado de Grand Traverse, la Policía Estatal de Michigan y el Departamento de Policía de Traverse City están comprometidos a garantizar los derechos de las víctimas y satisfacer sus necesidades a través del Programa de Asistencia a las Víctimas en un esfuerzo por reducir el trauma de la victimización.*

**EMERGENCIA – MARQUE 911**

delito, su cooperación con la policía, el fiscal y los tribunales es un elemento esencial para mantener nuestro sistema de justicia penal. (Este folleto se proporciona de conformidad con las "Leyes de derechos de las víctimas", P.A. 97 de 1985, P.A. 21 de 1988, P.A. 22 de 1988, P.A. 63 de 1994, P.A. 61 de 1994 y P.A. 62 de 1994.)

## Obtención de una Orden

Una orden judicial es una orden firmada por el juez que acusa a una persona de un delito. Si la persona aún no está bajo custodia policial, la orden firmada autoriza a la policía a arrestar a la persona y llevarla ante el tribunal.

El oficial investigador se comunicará con el fiscal, quien decidirá si se formularán cargos penales y cuál será el cargo exacto. Es el fiscal quien recomendará al juez que firme la orden. El fiscal basa esa recomendación en lo siguiente:

1. Que se cometió un acto (delito) en violación de una ley.
2. Que hay pruebas suficientes (causa probable) para creer que el acusado es el que cometió el crimen.
3. Que el enjuiciamiento penal servirá a los mejores intereses de la justicia.

## Entendiendo el Sistema

### Aplicación de la ley (policía):

- La policía normalmente hace un arresto en el instante para evitar más problemas. Sin embargo, un oficial también puede decidir que es mejor buscar la autorización del fiscal para obtener una orden judicial antes de un arresto.
- La policía se comunicará con el magistrado / juez con respecto a la fianza correspondiente.
- En el caso de una denuncia de "violencia doméstica", como condición para la fianza, se le puede ordenar al acusado que NO tenga ningún contacto con la víctima hasta después de la lectura de cargos en la corte.
- También en los casos de "violencia doméstica", el acusado puede permanecer en la cárcel durante al menos 20 horas si el magistrado / juez no aprueba una liberación anterior.

### Establecimiento de magistrado / fianza:

- El magistrado evalúa el establecimiento de una fianza adecuada para la liberación de la cárcel basándose en:

1. Es necesario asegurarse de que el acusado volverá a comparecer ante el tribunal para la lectura de cargos en el momento actual.
  2. Necesidad de proteger a la víctima de más violencia.
- Varias condiciones de la fianza fijadas por el magistrado pueden restringir las actividades del acusado, tales como: No consumo de bebidas alcohólicas o no contacto con la víctima.

### Red de Notificación de Víctimas de Delitos de Michigan

- 24 horas de acceso a la información delincente del caso o de custodia
- La capacidad de verificar el estado de custodia de un delincente
- Notificación automática a los usuarios registrados de un cambio en la custodia del delincente o en el estado del caso

Las víctimas pueden registrarse en [www.VINELink.com](http://www.VINELink.com) para recibir información sobre el estado a través del teléfono, correo electrónico y / o mensaje de texto. Le recomendamos que aproveche estos recursos, pero tenga en cuenta que este sistema no está garantizado. Si desea una actualización del estado, puede llamar directamente a la Agencia.

### Abogado Fiscal:

- El Fiscal toma decisiones sobre los cargos penales que se pueden presentar contra el acusado. Es posible que el fiscal desee comunicarse con la víctima y / o testigos antes de tomar una decisión final. Se pondrá a disposición del fiscal una copia del informe del oficial investigador.

### Procesos judiciales:

- La primera aparición oficial de la corte se llama LA LECTURA DE CARGOS. En la lectura de cargos, el juez informará al acusado de los cargos específicos y también puede revisar la fianza. La lectura de cargos se lleva a cabo en el Tribunal de Distrito.
- El acusado tendrá la oportunidad de ofrecer una "declaración" a los cargos durante la lectura de cargos. Si se ofrece una declaración de culpabilidad, el proceso puede ir directamente a la sentencia.
- El siguiente paso para un delito grave (delito mayor o delito menor en un tribunal de circuito) se llama EXAMEN PRELIMINAR. En este examen, el Juez del Tribunal de Distrito decidirá si hay pruebas suficientes para que el caso "se lleve" al Tribunal de Circuito para su continuación.
- Los delitos menores (delitos menores) permanecerán en el Tribunal de Distrito.

- Ya sea en el Tribunal de Distrito o en el Tribunal de Circuito, al acusado ("Defendant") se le permitirá una AUDIENCIA PREVIA AL JUICIO para permitir una oportunidad para cualquier moción legal y asegurar los procedimientos adecuados hacia el juicio real.
- Todos los acusados tienen derecho a un JUICIO y pueden exigirlo manteniendo su declaración de "no culpable". Los juicios ocurren en cualquier tribunal (dependiendo de la gravedad del crimen); el juicio puede ser "escuchado" por el juez o un jurado, a solicitud del acusado.
- Es posible que se requiera el testimonio de cualquier víctima / testigo en el examen preliminar, varias mociones legales y el juicio en sí. El personal del fiscal estará disponible para ayudar a víctimas y testigos.

### Agente de libertad condicional:

- Antes de la sentencia real de un acusado culpable, se puede asignar un oficial de libertad condicional para realizar una INVESTIGACIÓN DE PRESENTENCIA. El oficial de libertad condicional puede entrevistar a víctimas y testigos y también puede referir al acusado para una evaluación profesional para un asesoramiento.
- El oficial de libertad condicional presenta una recomendación de sentencia al juez a través de la investigación previa a la sentencia.

### Sentencia:

- El acusado comparecerá ante el juez para su sentencia después de ser declarado culpable en el juicio, o después de declararse "culpable" o "no impugnar", y después de que el oficial de libertad condicional haya presentado la investigación de presencia.
- Durante la sentencia, tanto el fiscal y el acusado (o abogado de defensa) se les permitirá hacer una declaración final para su consideración por el juez. También se le puede permitir a la víctima ofrecer una declaración final antes de que el juez dicte sentencia.
- La sentencia del juez puede incluir cualquiera de los siguientes:

- Tiempo de cárcel o prisión.
- Sentencia diferida con varias condiciones.
- Libertad condicional.
- Compensación / restitución a las víctimas.
- Restricción de cualquier contacto, acoso o amenazas contra la víctima.
- Prohibición del uso de bebidas alcohólicas y / o drogas.
- Orden de evaluación por abuso de alcohol / drogas.
- Orden de participación en asesoramiento.

## Víctimas de Asalto Sexual

- Puede someterse a un examen médico forense sexual y obtener pruebas mediante un kit de pruebas de agresión sexual, incluso si no desea participar en el sistema de justicia penal o cooperar con las fuerzas del orden.
- No se puede facturar por el costo de administrar el kit de pruebas de agresión sexual. Si recibe una factura por estos servicios, comuníquese con la Comisión de Servicios para Víctimas de Crimen de Michigan al 517-373-7373.
- Tener derecho a pedirle a la agencia investigadora del orden público la información de contacto del detective o oficial investigador asignado al caso, el estado actual del caso, si el caso se ha presentado al fiscal para su revisión y si el caso se ha cerrado y el motivo documentado del cierre.
- Si se recopiló un kit de pruebas de agresión sexual y se lo entregó a la policía, tiene derecho a solicitar la siguiente información a la agencia de aplicación de la ley investigadora: cuándo se envió el kit de pruebas de agresión sexual a un laboratorio forense para su análisis; si se obtuvo un perfil de ADN del kit de pruebas de agresión sexual; si se ingresó un perfil de ADN en CODIS; y si un perfil de ADN resultó en un impacto CODIS.
- Sus derechos legales incluyen el derecho a ir a la corte y presentar una petición solicitando una orden de protección personal (PPO) / orden de restricción para protegerlo del perpetrador. La PPO podría ordenar al perpetrador que no tenga contacto con usted e incluir otras condiciones específicas.

## Programa de Crisis de Asalto Sexual

**Centro de Recursos para Mujeres**  
1-800-554-4972

**Línea Directa Nacional de Asalto Sexual**  
1-800-656-4673

## **Backing the Badge TCPD.pdf**





Dear Employee and Family Member:

In today's demanding world no one is immune to personal problems. Even the strongest people have difficulties coping with a family conflict, an unexpected financial burden, alcohol/drug abuse, the loss of a loved one, or other stressful situations.

During such time it is important for you and your immediate family to have someone to talk to, someone separated from the family and workplace where private matters can be discussed in strict confidence. Whether it is a crucial situation or perhaps a slight case of stress, everyone could use some help now and then.

Moreover, we recognize that it might be impossible to leave personal problems at home. As a result, we have retained a highly respected professional consulting/counseling group called ENCOMPASS, LLC, an Employee Assistance, Work/Life and Wellness Program with a specialized program for first responders called Backing the Badge. The purpose of this program is to offer you and your immediate household a source of confidential help during troubling times, free of charge.

**Backing the Badge offers our organization the following services:**

**EAP Counseling Sessions – 5 session model**

**Life Coaching**

**Medical Advocacy**

**WorkLife Tools**

**Personal Assistant**

**Financial and Legal Resources and Services**

This benefit will be available as of May 1<sup>st</sup>, 2020 to yourself and your household members. We are not suggesting that you are in need of help. However, should a problem occur it's nice to know where you can turn.

You can reach Backing the Badge at 1.844.871.3577 or preview the web tools and set up your web profile at:

[www.encompass.us.com](http://www.encompass.us.com)

Company Code: traverse

Sincerely,

A handwritten signature in blue ink that reads "Kristine M Bosley".

Kristine Bosley  
Human Resource Director

**POAM Grievance Form.pdf**

# OFFICIAL UNION GRIEVANCE FORM

Grievance Number

Name of Employer \_\_\_\_\_ Phone ( \_\_\_\_\_ ) \_\_\_\_\_  
(Include Area Code)

Name of Local Union \_\_\_\_\_ Phone ( \_\_\_\_\_ ) \_\_\_\_\_

**Statement of Grievance:** List what happened, where, when, why. Also, any contract violation.

**Adjustment or Settlement Requested:** (To be completed by Union)

I authorize the Union to act for me in the disposition of this grievance and authorize the employer to release any information requested by the Union regarding this grievance.

X \_\_\_\_\_ X \_\_\_\_\_ \_\_\_\_\_  
Signature of Grievant Signature of Local Union Representative Date

Name of Employer Representative who handled the grievance at the following steps:

**Verbal Step** \_\_\_\_\_ **1st Written Step** \_\_\_\_\_ **2nd Written Step** \_\_\_\_\_

**Employer's Answer to 1st Written Step:** if grievance is denied, give reasons and proofs.

Grievance Number

**Employer's Answer to 2nd Written Step:**

X \_\_\_\_\_  
Signature of Employer Representative



## LEOSA Waiver Form.pdf

# TCPD Retired Officer LEOSA Waiver and Release Form

I am a retired officer of the Traverse City Police Department who is eligible to attempt to qualify to carry a concealed firearm, pursuant to the Law Enforcement Officers Safety Act (18 U.S. Code 926C).

I recognize that the City of Traverse City and the Traverse City Police Department is not legally required to provide a firearms qualification course or provide me with firearms instruction.

I agree to indemnify and hold harmless the City of Traverse City and the Traverse City Police Department, or its agents and employees, for any injury caused by my participation in the qualification process. I further waive any claim for damages against the Traverse City Police Department, or its agents and employees, for any injury suffered by me while participating in the qualification process.

I agree that all acts taken related to carrying a concealed firearm are my personal responsibility as a private person when carrying as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Traverse City Police Department.

Further, I hereby specifically agree to indemnify and hold harmless the City of Traverse City and the Traverse City Police Department and/or its officers and employees, from any and all liability resulting from my carrying and/or its officers and employees, from any and all liability resulting from my carrying and/or use of any weapon allowed under the Law Enforcement Officers Safety Act, including, but not limited to, civil litigation.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name of Witness

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## **Teamsters Grievance Form.pdf**

# GRIEVANCE REPORT

Date \_\_\_\_\_

TEAMSTERS STATE, COUNTY AND MUNICIPAL WORKERS, LOCAL 214

\_\_\_\_\_  
Name  
\_\_\_\_\_  
Street  
\_\_\_\_\_  
City or Post Office, State, Zip Code  
\_\_\_\_\_  
Residence Phone No.  
\_\_\_\_\_  
How Long Employed?  
\_\_\_\_\_  
Classification  
\_\_\_\_\_  
Rate per hour

\_\_\_\_\_  
Employer  
\_\_\_\_\_  
Department                      Division or District  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
Telephone No. (Office)  
\_\_\_\_\_

Please State: Grievance – Violation of Article or Section, Etc. – Remedy Requested.

List Articles Violated:

Grievant's Statement:

Remedy Requested:

Steward's Name

Signed By:

White - Union's Copy    Yellow - Employer's Copy    Pink - Steward's Copy    Goldenrod - Grievant's Copy



## **Victim Assistance Program Pamphlet.pdf**



## Domestic Violence

“Domestic Violence” includes various assaultive actions between individuals. An individual who assaults or assaults and batters his or her spouse or former spouse, an individual with whom he or she has had a child in common, a resident or former resident of his or her household or an individual with whom he or she has or has had a dating relationship. Acts of domestic violence are specifically prohibited by State law and, in most cases, a police officer may make an immediate arrest to prevent any further assaults.

You may obtain a copy of the police incident report for your case by contacting the law enforcement agency that handled the incident.

Your legal rights include the right to go to court and file a petition requesting a personal protection order (PPO) to protect you or other members of your household from domestic abuse which could include restraining the abuser from doing the following:

- Entering onto premises.
- Assaulting, attacking, beating, molesting, or wounding you.
- Removing minor children from you, except as otherwise authorized by a custody or parenting time order issued by a court of competent jurisdiction.
- Engaging in stalking behavior.
- Purchasing or possessing a firearm.
- Interfering with your efforts to remove your children or personal property from premises that are solely owned or leased by the abuser.
- Interfering with you at your place of employment or education or engaging in conduct that impairs your employment relationship or your employment or educational environment.
- Engaging in any other specific act or conduct that imposes upon or interferes with your personal liberty or that causes a reasonable apprehension of violence.
- Having access to information in records concerning any minor child you have with the abuser that would inform the abuser about your address or telephone number, the child’s address or telephone number, or your employment address.

Your legal rights also include the right to go to court and file a motion for an order to show cause and a hearing if the abuser or perpetrator is violating the PPO and has not been arrested.

Incident report number \_\_\_\_\_

Date of incident \_\_\_\_\_

Type of report \_\_\_\_\_

Investigating Officer \_\_\_\_\_

Badge Number \_\_\_\_\_

If you would like to be notified of an arrest in your case or the release of the person arrested or both, you may contact the law enforcement agency and inform them.

If you are not notified of an arrest in your case, you may contact the law enforcement agency for the status.

## Victim’s Bill of Rights

1. To be free from intimidation.
2. To be told of possible financial compensation for victims of violent crime.
3. To be told of possible compensation for court appearances.
4. To be told of social service agencies that can help you.
5. To be assisted by our criminal justice agencies.

If you are the victim of domestic violence, you are not alone! You are not responsible for the violent behavior of another person and there is assistance available for you.

- Immediately contact your local police agency if you feel you are the victim of domestic violence.
- Contact the Third Level Crisis Intervention Center for counseling and/or referral assistance, 231-922-4800.
- An emergency shelter home and/or counseling is available for women and children through the Women’s Resource Center, 231-941-1210.
- See the back of this pamphlet for a listing of various agencies which will assist you.

## Safe Haven

During relationship problems, many couples attempt to exchange their children in public places. In some cases, these arrangements result in violent confrontations in front of the children between parents.

SAFE HAVEN provides a safe environment for families to visit or exchange their children. Parents do not see each other, using separate entrances to safely exchange their children.

## Support is Available

**Emergency**  
Dial 911

**Grand Traverse County Sheriff’s Office**  
851 Woodmere Avenue  
231-995-5000

**Traverse City Police Department**  
851 Woodmere Avenue  
231-995-5150

**Michigan State Police**  
231-946-4647

**Third Level Crisis Intervention Center**  
231-922-4800 or 1-800-442-7315

**Women’s Resource Center**  
231-941-1210 or 1-800-554-4972

**Prosecuting Attorney**  
231-922-4600

**Victim’s Rights Coordinator  
Prosecutor’s Office**  
231-922-4607

**86th District Court**  
231-922-4580

**13th Circuit Court**  
231-922-4707

**13th Circuit Court Family Division**  
231-922-4640

**Safe Haven  
Supervised Visitation & Exchange Center**  
3785 Veterans Drive  
231-946-8975

**Munson Medical Center/SANE**  
231-935-6333

**Michigan VINELink**  
(800) 770-7657 / [www.VINELink.com](http://www.VINELink.com)

**Domestic Violence is a Crime  
REPORT ALL INCIDENTS!**

GTC/ 620  
Rev. 09/15

# Victim Assistance Program and Community Response to Domestic Violence & Victims of Sexual Assault



Grand Traverse  
County Sheriff



Traverse City  
Police Dept.



Michigan  
State Police

*Dear Citizen:*

*Being a victim of a crime can be a very traumatic experience, and all too often, it is the victim whose rights and needs are not being met.*

*It is for those reasons that the Grand Traverse County Sheriff's Office, the Michigan State Police and the Traverse City Police Department are committed to ensuring the rights of victims and meeting their needs through the Victim Assistance Program in an effort to reduce the trauma of victimization.*

**EMERGENCY-DIAL 911**

This pamphlet is provided to assist you, the victim of a crime, during the course of a criminal investigation, prosecution and trial. As the victim of a crime, it is your cooperation with the police, prosecutor and the courts which is an essential element in maintaining our criminal justice system. (This pamphlet is provided consistent with the "Victim's Rights Acts", P.A. 97 of 1985, P.A. 21 of 1988, P.A. 22 of 1988, P.A. 63 of 1994, P.A. 61 of 1994 and P.A. 62 of 1994.)

## Obtaining a Warrant

A warrant is an order signed by the judge, charging a person with a crime. If the person is not already in police custody, the signed warrant authorizes the police to arrest the person and bring them before the court.

The investigating officer will contact the prosecutor who will decide if criminal charges will be made and what the exact charge will be. It is the prosecutor who will recommend that the judge sign the warrant. The prosecutor bases that recommendation on the following:

1. That an act (crime) was committed violating a law.
2. That there is sufficient evidence (probable cause) to believe that the accused is the one who committed the crime.
3. That the best interests of justice will be served by the criminal prosecution.

## Understanding The System

### Law Enforcement (Police):

- The police normally make an arrest on the spot to avoid any further problems. However, an officer may also decide it is best to seek the prosecutor's authorization for a warrant prior to an arrest.
- The police will contact the magistrate/judge regarding appropriate bond.
- In the case of a "Domestic Violence" complaint, as a condition of bond, the accused may be directed to NOT have any contact with the victim until after the arraignment in court.
- Also in "Domestic Violence" cases, the accused may be held in jail for at least 20 hours if an earlier release is not approved by the magistrate/ judge.

### Magistrate/Bond Setting:

- The magistrate evaluates the setting of an appropriate bond for the release from jail based upon:
  1. Need to assure that the accused will return to appear in court for arraignment at the preset time.
  2. Need to protect the victim from further violence.
- Various conditions of the bond set by the magistrate may restrict the activities of the accused, such as: No consumption of alcoholic beverages, or no contact with the victim.

### Michigan Crime Victim Notification Network

- 24 hour access to offender custody or case information
- The ability to verify an offender's custody status
- Automatic notification to registered users of a change in offender custody or case status

Victims may register themselves at [www.VINELink.com](http://www.VINELink.com) to receive status information through the telephone, email, and/or via text message. We encourage you to take advantage of these resources, but note this system is not guaranteed. If you would like an update in status, you may call the Agency directly.

### Prosecuting Attorney:

- The Prosecuting Attorney makes decisions regarding the criminal charges which may be brought against the accused. The prosecutor may wish to contact the victim and/or witnesses prior to making a final decision. A copy of the investigating officer's report will be made available to the prosecutor.

### Court Processes:

- The first official court appearance is called an ARRAIGNMENT. At the arraignment, the judge will advise the accused of the specific charges and may also review the bond. The arraignment is held in District Court.
- The accused will have the opportunity to offer a "plea" to the charges during the arraignment. If a guilty plea is offered, the process may go directly to sentencing.
- The next step for a serious crime (felony or circuit court misdemeanor) is called a PRELIMINARY EXAM. At this exam, the District Court Judge will decide if there is sufficient evidence to have the case "bound over" to Circuit Court for continuation.
- Lesser crimes (misdemeanor) will remain in District Court.

- In either District or Circuit Court, the accused ("Defendant") will be allowed a PRETRIAL HEARING to allow an opportunity for any legal motions and assure proper proceedings toward the actual trial.
- All defendants are entitled to a TRIAL and may demand such by maintaining their "not guilty" plea. Trials occur in either court (depending on the seriousness of the crime); the trial may be "heard" by either the judge or a jury, at the request of the Defendant.
- The testimony of any victim/witness may be required at the Preliminary Exam, various legal motions, and the actual trial. The staff of the prosecuting attorney will be available to assist victims and witnesses.

### Probation Officer:

- Prior to the actual sentencing of a guilty defendant, a probation officer may be assigned to conduct a PRESENTENCE INVESTIGATION. The Probation Officer may interview victims and witnesses and may also refer the Defendant for professional evaluation for possible counseling.
- The Probation Officer submits a sentencing recommendation to the judge by way of the Presentence Investigation.

### Sentencing:

- The defendant will appear before the judge for sentencing after being found guilty by trial, or after pleading "guilty" or "no contest", and after the Presentence Investigation has been filed by the Probation Officer.
- During sentencing, both the Prosecuting Attorney and the Defendant (or Defense Attorney) will be allowed to make a final statement for consideration by the judge. The Victim may also be allowed to offer a final statement before the actual sentencing by the judge.
- The sentence from the judge may include any of the following:
  - Jail or prison time.
  - Deferred sentence with various conditions.
  - Probation.
  - Victim compensation/restitution.
  - Restraint from any contact with, harassment of, or threats against the victim.
  - Prohibition of use of alcoholic beverages and/or drugs.
  - Order for alcohol/drug abuse evaluation.
  - Order for participation in appropriate counseling.

## Victims of Sexual Assault

- Can have a sexual medical forensic examination and have evidence collected using a sexual assault evidence kit even if you do not want to participate in the criminal justice system or cooperate with law enforcement.
- Cannot be billed for the cost of administrating the sexual assault evidence kit. If you receive a bill for these services, contact the Michigan Crime Victim Services Commission at 517-373-7373.
- Have the right to ask the investigating law enforcement agency for the contact information for the detective or investigating officer assigned to the case, the current status of the case, whether the case has been submitted to the prosecuting attorney for review, and whether the case has been closed and the documented reason for closure.
- If you had a sexual assault evidence kit collected and released to law enforcement, you have a right to ask the investigating law enforcement agency for the following information: when the sexual assault evidence kit was sent to a forensic laboratory for testing; whether a DNA profile was obtained from the sexual assault evidence kit; whether a DNA profile was entered into CODIS; and whether a DNA profile resulted in a CODIS hit.
- Your legal rights include the right to go to court and file a petition requesting a personal protection order (PPO)/restraining order to protect you from the perpetrator. The PPO could order the perpetrator not to have contact with you and include other specific conditions.

## Sexual Assault Crisis Program

**Women's Resource Center**  
1-800-554-4972

**National Sexual Assault Hotline**  
1-800-656-HOPE (4673)

**mcl-764-15.pdf**

**THE CODE OF CRIMINAL PROCEDURE (EXCERPT)**  
**Act 175 of 1927**

**764.15 Arrest by officer without warrant; situations; circumstances.**

Sec. 15. (1) A peace officer, without a warrant, may arrest a person in any of the following situations:

(a) A felony, misdemeanor, or ordinance violation is committed in the peace officer's presence.  
(b) The person has committed a felony although not in the peace officer's presence.  
(c) A felony in fact has been committed and the peace officer has reasonable cause to believe the person committed it.

(d) The peace officer has reasonable cause to believe a misdemeanor punishable by imprisonment for more than 92 days or a felony has been committed and reasonable cause to believe the person committed it.

(e) The peace officer has received positive information by written, telegraphic, teletypic, telephonic, radio, electronic, or other authoritative source that another peace officer or a court holds a warrant for the person's arrest.

(f) The peace officer has received positive information broadcast from a recognized police or other governmental radio station, or teletype, that affords the peace officer reasonable cause to believe a misdemeanor punishable by imprisonment for more than 92 days or a felony has been committed and reasonable cause to believe the person committed it.

(g) The peace officer has reasonable cause to believe the person is an escaped convict, has violated a condition of parole from a prison, has violated a condition of a pardon granted by the executive, or has violated 1 or more conditions of a conditional release order or probation order imposed by a court of this state, another state, Indian tribe, or United States territory.

(h) The peace officer has reasonable cause to believe the person was, at the time of an accident in this state, the operator of a vehicle involved in the accident and was operating the vehicle in violation of section 625(1), (3), (6), or (7) or section 625m of the Michigan vehicle code, 1949 PA 300, MCL 257.625 and 257.625m, or a local ordinance substantially corresponding to section 625(1), (3), (6), or (7) or section 625m of that act.

(i) The person is found in the driver's seat of a vehicle parked or stopped on a highway or street within this state if any part of the vehicle intrudes into the roadway and the peace officer has reasonable cause to believe the person was operating the vehicle in violation of section 625(1), (3), (6), or (7) or section 625m of the Michigan vehicle code, 1949 PA 300, MCL 257.625 and 257.625m, or a local ordinance substantially corresponding to section 625(1), (3), (6), or (7) or section 625m of that act.

(j) The peace officer has reasonable cause to believe the person was, at the time of an accident, the operator of a snowmobile involved in the accident and was operating the snowmobile in violation of section 82127(1) or (3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.82127, or a local ordinance substantially corresponding to section 82127(1) or (3) of that act.

(k) The peace officer has reasonable cause to believe the person was, at the time of an accident, the operator of an ORV involved in the accident and was operating the ORV in violation of section 81134(1) or (2) or 81135 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81134 and 324.81135, or a local ordinance substantially corresponding to section 81134(1) or (2) or 81135 of that act.

(l) The peace officer has reasonable cause to believe the person was, at the time of an accident, the operator of a vessel involved in the accident and was operating the vessel in violation of section 80176(1) or (3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80176, or a local ordinance substantially corresponding to section 80176(1) or (3) of that act.

(m) The peace officer has reasonable cause to believe a violation of section 356c or 356d of the Michigan penal code, 1931 PA 328, MCL 750.356c and 750.356d, has taken place or is taking place and reasonable cause to believe the person committed or is committing the violation, regardless of whether the violation was committed in the peace officer's presence.

(n) The peace officer has reasonable cause to believe a misdemeanor has taken place or is taking place on school property and reasonable cause to believe the person committed or is committing the violation, regardless of whether the violation was committed in the peace officer's presence. As used in this subdivision, "school property" means that term as defined in section 7410 of the public health code, 1978 PA 368, MCL 333.7410.

(2) An officer in the United States customs service or the immigration and naturalization service, without a warrant, may arrest a person if all of the following circumstances exist:

(a) The officer is on duty.

(b) One or more of the following situations exist:

(i) The person commits an assault or an assault and battery punishable under section 81 or 81a of the Michigan penal code, 1931 PA 328, MCL 750.81 and 750.81a, on the officer.

(ii) The person commits an assault or an assault and battery punishable under section 81 or 81a of the Michigan penal code, 1931 PA 328, MCL 750.81 and 750.81a, on any other person in the officer's presence or commits any felony.

(iii) The officer has reasonable cause to believe a felony has been committed and reasonable cause to believe the person committed it, and the reasonable cause is not founded on a customs search.

(iv) The officer has received positive information by written, telegraphic, teletypic, telephonic, radio, electronic, or other authoritative source that a peace officer or a court holds a warrant for the person's arrest.

(c) The officer has received training in the laws of this state equivalent to the training provided for an officer of a local police agency under the commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.616.

**History:** 1927, Act 175, Eff. Sept. 5, 1927;—CL 1929, 17149;—Am. 1935, Act 84, Imd. Eff. May 27, 1935;—CL 1948, 764.15;—Am. 1978, Act 23, Imd. Eff. Feb. 21, 1978;—Am. 1978, Act 384, Eff. Aug. 1, 1978;—Am. 1980, Act 400, Eff. Mar. 31, 1981;—Am. 1982, Act 311, Eff. Mar. 30, 1983;—Am. 1988, Act 19, Eff. June 1, 1988;—Am. 1996, Act 81, Imd. Eff. Feb. 27, 1996;—Am. 1996, Act 490, Eff. Apr. 1, 1997;—Am. 1999, Act 269, Eff. July 1, 2000;—Am. 2000, Act 208, Eff. Aug. 21, 2000;—Am. 2001, Act 212, Eff. Apr. 1, 2002.

# Traverse City Police Department Policy Manual

TCPD Policy Manual

## INDEX / TOPICS

..... 435

### A

#### ACKNOWLEDGEMENTS

Discriminatory harassment. . . . .	592
Evidence. . . . .	519
Policy manual. . . . .	19
Policy revisions. . . . .	19

#### ADMINISTRATIVE COMMUNICATIONS. . . . . 42

#### ADMINISTRATIVE INVESTIGATIONS

Criminal parallel. . . . .	624
OIS. . . . .	92
Surreptitious recording. . . . .	342
Vehicle damage. . . . .	490

#### ADMINISTRATIVE LEAVE

Compensation. . . . .	650
Employee convictions. . . . .	604
Fitness for duty. . . . .	643
Outside employment. . . . .	654

#### ADULT ABUSE. . . . . 160

Homeless persons. . . . .	362
Investigations. . . . .	427
Sexual Assault. . . . .	435

#### AIRCRAFT

Accidents. . . . .	323
Ambulance. . . . .	366
Pursuits. . . . .	113
Support. . . . .	330
Temporary flight restrictions. . . . .	207

#### ALCOHOL

Intoxicants. . . . .	193
Vehicle use. . . . .	486

#### AMBER ALERTS. . . . . 178

#### AMMUNITION

Body armor. . . . .	631
Property packaging. . . . .	516

#### ANIMALS

Dangerous. . . . .	83
Injured. . . . .	405
Line-of-duty deaths. . . . .	700
Service. . . . .	250, 262

#### ANTI-RETALIATION. . . . . 601

#### APPOINTMENTS

ADA coordinator. . . . .	246
Auxiliary coordinator. . . . .	219
Bicycle patrol coordinator. . . . .	358
Brady coordinator. . . . .	456
Chief executive officer. . . . .	14
Community relations coordinator. . . . .	269
Exposure control officer. . . . .	612

FTO coordinator. . . . .	327
LEP coordinator. . . . .	238
Liaison to the homeless community. . . . .	361
Line-of-duty death liaisons and coordinators	693
Operations director. . . . .	462, 467
Part-time officer/deputy coordinator. . . . .	215
Petty cash fund manager. . . . .	492
Press information officer (PIO). . . . .	205
Training committee. . . . .	37
UAS Coordinator. . . . .	458
Vehicle maintenance supervisor. . . . .	489

#### ARRESTS

Authority. . . . .	11
Child and dependent adult safety. . . . .	258
Citations. . . . .	309
Consular notifications. . . . .	564
Control devices. . . . .	75
Diplomatic immunity. . . . .	311
Disabled persons. . . . .	252
Domestic violence. . . . .	144
Employee. . . . .	604
First amendment assemblies. . . . .	375
Handcuffs and restraints. . . . .	71, 72
Homeless persons. . . . .	363
Juveniles. . . . .	207
Limited English proficiency (LEP). . . . .	243
Log. . . . .	208
Mass. . . . .	373
Mental health. . . . .	306
Mental health. . . . .	308
Private Person's. . . . .	237
Safety belts. . . . .	628
Towed Vehicles. . . . .	408

#### ASSET FORFEITURE. . . . . 439

#### AUDIO/VIDEO RECORDING

Custodial Interrogation. . . . .	425
First amendment assemblies. . . . .	372
Mobile (MAV). . . . .	340
OIS. . . . .	94
Public safety surveillance. . . . .	254
Review. . . . .	343

#### AUDITS

Criminal intelligence system. . . . .	335
Grievances. . . . .	600
Informant files. . . . .	447
Information technology. . . . .	194
Performance history - quarterly. . . . .	677
Personnel complaints. . . . .	619
Petty cash. . . . .	492
Public safety video surveillance. . . . .	257
Records. . . . .	527

#### AUTHORITY. . . . . 11

# Traverse City Police Department

TCPD Policy Manual

## Traverse City Police Department Policy Manual

Abuse of. . . . .	361	Ride-alongs. . . . .	285
Civil/Involuntary commitments. . . . .	306	CHIEF EXECUTIVE OFFICER. . . . .	14
Command. . . . .	28	CHILD AND DEPENDENT ADULT SAFETY	258
Ethics. . . . .	188	CHILDREN	
Member. . . . .	29	Amber alerts. . . . .	178
Official. . . . .	683	Child abuse. . . . .	156
Use of force. . . . .	68	Child safety. . . . .	258
AUTOMATED EXTERNAL DEFIBRILLATORS		Drug endangered. . . . .	158
(AED). . . . .	367	Language assistance. . . . .	241, 250
AUXILIARY MEMBERS. . . . .	217	Pursuits. . . . .	117
<b>B</b>		Reports. . . . .	202
BACKGROUNDS. . . . .	587	Safety. . . . .	144, 566
BADGES, PATCHES AND IDENTIFICATION		Transporting. . . . .	628
Administrative leave. . . . .	623	CITATIONS	
Conduct. . . . .	190	Accountability. . . . .	418
Prohibited use. . . . .	653	Diplomatic immunity. . . . .	312
Speech, expression and social networking. . . . .	682	Evaluation criteria. . . . .	398
Temporary modified-duty assignment. . . . .	674	Jurisdiction. . . . .	12
Uniforms. . . . .	664	Juvenile. . . . .	418
BARRICADE INCIDENTS. . . . .	291	MAV recording. . . . .	344
BATONS. . . . .	76	Parking. . . . .	418
BIAS-BASED POLICING. . . . .	277	Traffic. . . . .	398, 417
BICYCLES. . . . .	357	CIVIL	
Property storage. . . . .	516	Disputes. . . . .	377
Uniforms. . . . .	667	Liability response (OIS). . . . .	94
BIOLOGICAL SAMPLES		Subpoenas. . . . .	211
Hazards. . . . .	324, 689	CIVIL COMMITMENTS. . . . .	306
Property packaging. . . . .	516	CIVIL COMMITMENTS OR EMERGENCY	
BODY ARMOR. . . . .	630	ADMISSIONS	
BODY PIERCING. . . . .	661	Homeless persons. . . . .	363
BOMBS. . . . .	295	COMMAND STAFF	
Aircraft accidents. . . . .	324	Anti-retaliation. . . . .	603
Mobile Digital Terminal. . . . .	348	Claims review. . . . .	475
Radios. . . . .	297	Conducted energy device. . . . .	85
BRADY. . . . .	455	Petty cash audit. . . . .	492
BUSINESS CARDS. . . . .	673	Policy review. . . . .	19
<b>C</b>		Training recommendations. . . . .	37
CANINES		Use of force review. . . . .	67
Pursuits. . . . .	121	Work-related injuries. . . . .	657
Uniforms. . . . .	667	COMMENDATIONS AND AWARDS	
Vehicle pursuits. . . . .	114	Administrative communications. . . . .	42
CASH		Performance indicators. . . . .	678
Asset forfeiture. . . . .	439	COMMUNICABLE DISEASES	
Custody. . . . .	567	Custody. . . . .	562
Property packaging. . . . .	516	Illness and injury prevention. . . . .	685
Searches. . . . .	580	Juvenile custody. . . . .	571
Unclaimed. . . . .	520	COMMUNICATIONS CENTER	
Vehicle Inventory. . . . .	410	Vehicle pursuits. . . . .	115
CHANGE OF ASSIGNMENT		COMMUNICATIONS FOR PERSONS WITH	
Bicycle patrol. . . . .	357	DISABILITIES. . . . .	246
CHAPLAINS		COMMUNITY ADVISORY COMMITTEE. . . . .	272
		COMMUNITY RELATIONS. . . . .	269

# Traverse City Police Department

TCPD Policy Manual

## Traverse City Police Department Policy Manual

COMPENSATORY TIME. . . . .	650	Domestic violence. . . . .	142
COMPUTERS		Foreign. . . . .	145
Digital evidence. . . . .	428	Juvenile informants. . . . .	446
DTBs. . . . .	39	Marihuana destruction. . . . .	522
Email. . . . .	41	Members. . . . .	604
Protected information. . . . .	537	Property. . . . .	517
CONDUCT		Source testing. . . . .	615
Anti-retaliation. . . . .	601	Surreptitious recording. . . . .	342
Conflict of interest. . . . .	670	Video images. . . . .	257
Fitness for duty. . . . .	642	CRIME ANALYSIS	
MAV recordings. . . . .	343	Public safety video surveillance. . . . .	255
Meritorious. . . . .	639	CRIME AND DISASTER SCENE	
OIS. . . . .	88	INTEGRITY. . . . .	282
Prohibited speech, expression and social networking. . . . .	682	CRIMINAL INTELLIGENCE SYSTEMS. . . . .	335
Reporting misconduct. . . . .	618	CRIMINAL ORGANIZATIONS. . . . .	335
Ride-alongs. . . . .	286	CRISIS INTERVENTION INCIDENTS. . . . .	300
Standards of conduct. . . . .	191	CUSTODIAL INTERROGATIONS	
CONDUCTED ENERGY DEVICE. . . . .	80	Communications for persons with disabilities. . . . .	251
CONFIDENTIALITY		Limited English proficiency. . . . .	243
Adult abuse reports. . . . .	164	CUSTODIAL SEARCHES. . . . .	579
Child abuse reports. . . . .	158	CUSTODIAN OF RECORDS	
Communicable disease information. . . . .	615	Email. . . . .	41
Conduct. . . . .	190	OIS. . . . .	207
Crisis intervention incidents. . . . .	303	<b>D</b>	
Custodial telephone calls. . . . .	566	DAILY TRAINING BULLETINS (DTBS). . . . .	39
Fitness for duty. . . . .	642	DEATH. . . . .	203
Informants. . . . .	445	Custody-Adults. . . . .	568
Media. . . . .	207	Custody-juveniles. . . . .	577
Performance history audits. . . . .	680	Investigations. . . . .	234
Personnel complaints. . . . .	620	Mourning bands. . . . .	665
Protected information. . . . .	536	Native American Graves (NAGPRA). . . . .	265
Radio broadcasts. . . . .	347	Traffic related. . . . .	404
Retaliation complaints. . . . .	602	DEBRIEFING	
Technology use. . . . .	196	Crisis intervention incidents. . . . .	303
CONFLICT OF INTEREST		Warrant service. . . . .	465
Outside employment. . . . .	653	DECONFLICTION. . . . .	469
CONTACTS AND TEMPORARY DETENTIONS		DEPENDENT ADULTS	
Bias-based policing. . . . .	277	Safety. . . . .	144, 258, 566
Warrant service. . . . .	465	Safety. . . . .	258, 566
CONTROL DEVICES. . . . .	75	DIPLOMATIC IMMUNITY. . . . .	312
Custody. . . . .	567	DISABLED	
Decontamination. . . . .	613	Civil commitment training. . . . .	308
First amendment assemblies. . . . .	374	Communicating with the. . . . .	246
COURT APPEARANCES. . . . .	211	Motorist. . . . .	419
COURT ORDERS		Pregnancy. . . . .	676
Adult abuse. . . . .	162	Vehicles. . . . .	419
Asset seizure. . . . .	440	DISCIPLINE. . . . .	188
Child abuse. . . . .	156	Custody-juveniles. . . . .	574
Child custody. . . . .	258	Personnel complaints. . . . .	626
Citation releases. . . . .	309	DISCLAIMER. . . . .	16
Civil disputes. . . . .	378		



# Traverse City Police Department

TCPD Policy Manual

## Traverse City Police Department Policy Manual

---

Administrative communications. . . . .	42, 42	FIELD TRAINING OFFICERS. . . . .	327
<b>DISCRIMINATION</b>		Conflict of interest. . . . .	670
Americans with Disabilities (ADA). . . . .	246	<b>FIREARMS</b>	
Limited English proficiency. . . . .	238	Auxiliary members. . . . .	222
Personnel complaints. . . . .	620	Civil commitments. . . . .	308
<b>DISCRIMINATORY HARASSMENT. . . . .</b>	165	Concealed. . . . .	215
Evaluation form. . . . .	592	Conduct. . . . .	192
<b>DOMESTIC VIOLENCE. . . . .</b>	142	Custody. . . . .	567
Member convictions. . . . .	604	Destruction of animals. . . . .	542
<b>DRIVING</b>		Discharge. . . . .	202
Defensive. . . . .	223	Domestic Violence convictions. . . . .	604
Impaired. . . . .	412	Off-duty law enforcement actions. . . . .	267
Mobile Data Terminal. . . . .	347	Property packaging. . . . .	516
Personal Communication Devices. . . . .	480	Pursuits. . . . .	117
Pursuit tactics. . . . .	112	Retiree concealed. . . . .	45
Safety. . . . .	192	Vehicle maintenance. . . . .	481
Safety belts. . . . .	628	Vehicle use. . . . .	487
Severe use. . . . .	481	<b>FIRST AMENDMENT ASSEMBLIES. . . . .</b>	371
<b>DRIVING WHILE INTOXICATED OR</b>		<b>FITNESS FOR DUTY. . . . .</b>	642
<b>IMPAIRED. . . . .</b>	412	Temporary modified-duty assignments. . . . .	676
<b>E</b>		<b>FOREIGN</b>	
<b>ELECTRONIC CIGARETTES. . . . .</b>	617	Country convictions. . . . .	604
<b>ELECTRONIC MAIL. . . . .</b>	41	Court orders. . . . .	145
Personal communication devices. . . . .	477	Currency. . . . .	580
Personnel complaints. . . . .	619	Diplomatic and consular representatives. . . . .	311
Privacy expectation. . . . .	194	Nationals. . . . .	564
Speech, expression and social networking. . . . .	681	<b>FORMS</b>	
<b>EMERGENCY ADMISSION. . . . .</b>	306	Discrimination complaint. . . . .	169
<b>EMERGENCY OPERATIONS PLAN. . . . .</b>	31	Employment eligibility. . . . .	586
<b>EMPLOYEE ASSISTANCE PROGRAM. . . . .</b>	607	Eyewitness identification. . . . .	450
<b>ETHICS. . . . .</b>	188	Personnel complaints. . . . .	619
<b>EVIDENCE</b>		<b>G</b>	
Bombs. . . . .	299	<b>GANGS</b>	
Custodial searches. . . . .	579	Civilian attire. . . . .	668
Digital. . . . .	428	Employee affiliation. . . . .	189
MAV recordings. . . . .	344	<b>GRIEVANCES. . . . .</b>	598
NAGPRA. . . . .	265	Fitness for duty. . . . .	645
Personnel complaints. . . . .	619, 622	Outside employment. . . . .	653
Public safety video surveillance. . . . .	256	<b>H</b>	
Seizing recordings. . . . .	355	<b>HANDCUFFING AND RESTRAINTS. . . . .</b>	70
<b>EXPLOSIONS. . . . .</b>	298	<b>HANDCUFFING AND RESTRAINTS</b>	
<b>EXPOSURE CONTROL</b>		Custody. . . . .	567
HAZMAT. . . . .	288	Persons with disabilities. . . . .	247
Officer. . . . .	612	<b>HATE CRIMES. . . . .</b>	185
Property packaging. . . . .	516	<b>HAZARDOUS MATERIAL (HAZMAT)</b>	
Reviews. . . . .	685	<b>RESPONSE. . . . .</b>	288
<b>EYEWITNESS IDENTIFICATION</b>		Aircraft accidents. . . . .	324
Field identification. . . . .	453	Handbook. . . . .	481
<b>EYEWITNESS IDENTIFICATION. . . . .</b>	334	Precautions. . . . .	613
<b>F</b>			

# Traverse City Police Department

TCPD Policy Manual

## Traverse City Police Department Policy Manual

Traffic. . . . .	403
Training. . . . .	689
Vehicle inventory. . . . .	410
HAZARDS. . . . .	687
HIGH-VISIBILITY VESTS. . . . .	402
HOMELESS PERSONS. . . . .	361
HOSTAGE AND BARRICADE INCIDENTS	
Notifications. . . . .	231
Rapid response and deployment. . . . .	315
HOSTAGE SITUATIONS. . . . .	293

### I

IDENTIFICATION CARDS. . . . .	673
ILLNESS AND INJURY PREVENTION. . . . .	685
IMMUNIZATIONS. . . . .	614
INFORMANTS. . . . .	445
INFORMATION TECHNOLOGY. . . . .	194
INFORMATION TECHNOLOGY USE. . . . .	194
INSPECTIONS	
Body armor. . . . .	630
Control devices. . . . .	75
Exposure control. . . . .	612
Illness and injury prevention. . . . .	685, 688
Personal communication devices. . . . .	477
Personal protective equipment. . . . .	688
Personnel. . . . .	280, 663
Technology use. . . . .	196
Vehicles. . . . .	484, 688
INVESTIGATION AND PROSECUTION. . . . .	423

### J

#### JURISDICTION

Aircraft *** accidents/collisions/crashes ***	324
Authority. . . . .	11
Consular notification. . . . .	564
Death notifications. . . . .	236
Emergency management. . . . .	31
Foreign court orders. . . . .	145
Off-duty law enforcement actions. . . . .	268
OIS. . . . .	87
Pursuits. . . . .	115
Registered offenders. . . . .	228
Traffic Accidents. . . . .	403

### K

#### KEYS

Searches. . . . .	152
Vehicle. . . . .	486
KINETIC ENERGY PROJECTILE. . . . .	77

### L

LACTATION BREAKS. . . . .	647
---------------------------	-----

LAW ENFORCEMENT AUTHORITY. . . . .	11
LIMITED ENGLISH PROFICIENCY. . . . .	238
Eyewitness identification. . . . .	450
LINE-OF-DUTY DEATHS. . . . .	690

### M

MAJOR INCIDENT NOTIFICATION. . . . .	231
MEAL PERIODS AND BREAKS. . . . .	646

#### MEDIA

Aircraft accidents. . . . .	326
First amendment assemblies. . . . .	375
Line-of-duty deaths. . . . .	699
Major incidents. . . . .	231
OIS. . . . .	95
Operations plans. . . . .	471
Storage and integrity. . . . .	344
Storage and retention. . . . .	256
Warrant service. . . . .	466

#### MEDICAL

Aircraft accidents. . . . .	323
Barricade situation. . . . .	292
Examinations - Adult abuse. . . . .	163
Examinations - Child abuse. . . . .	157
Examinations - temporary modified-duty. . . . .	676
File. . . . .	643
HAZMAT exposure. . . . .	288
Homeless persons. . . . .	362
Illness and injury prevention. . . . .	685
Jail notification. . . . .	71
Personnel-body cavity searches. . . . .	582
Releases. . . . .	366
Screening-custody adults. . . . .	566
Screening-custody-juveniles. . . . .	571
Treatment for OC spray. . . . .	77
Treatment for tear gas. . . . .	76
Treatment for work-related injury and illness. . . . .	657

#### MEDICAL, CHILD INVOLUNTARY

DETENTION. . . . .	157
--------------------	-----

#### MISSING PERSONS

Reports. . . . .	202
------------------	-----

#### MOBILE AUDIO/VIDEO (MAV)

OIS. . . . .	94
--------------	----

#### MUTUAL AID

Emergency operations plan activation. . . . .	31
First amendment assemblies. . . . .	374
Interstate peace officer powers. . . . .	13
Warrant service. . . . .	465

### N

NATIVE AMERICAN GRAVES (NAGPRA)	265
---------------------------------	-----

# Traverse City Police Department

TCPD Policy Manual

## Traverse City Police Department Policy Manual

### NOTIFICATIONS

Adult abuse. . . . .	160
Aircraft accidents. . . . .	324
Bombs. . . . .	298
Brady. . . . .	456
Cash. . . . .	494
Child abuse. . . . .	154
Child protective services. . . . .	154
Complainant - discriminatory harassment. . . . .	169
Consular. . . . .	564
Custody suicide attempt, death or serious injury. . . . .	568, 577
Death. . . . .	236
Exposure control. . . . .	612
Impaired driving. . . . .	414
Impaired Driving. . . . .	413
Jail. . . . .	71
Line-of-duty deaths. . . . .	691
Member arrests, convictions and court orders. . . . .	604
Member convictions. . . . .	605
NAGPRA. . . . .	265
OIS. . . . .	89
OSHA. . . . .	236
Post-OC application. . . . .	77
Pregnancy. . . . .	676
Restraints. . . . .	71
Sick leave. . . . .	609
Traffic death. . . . .	404

### O

OATH OF OFFICE. . . . .	15
OC SPRAY	
Conducted energy device deployment. . . . .	81
Decontamination. . . . .	71
OFF-DUTY LAW ENFORCEMENT ACTIONS. . . . .	267
OFFICER-INVOLVED SHOOTING (OIS). . . . .	87
Fitness for duty. . . . .	643
MAV retrieval. . . . .	342
Notifications. . . . .	231
OFFICER SAFETY	
Asset forfeiture. . . . .	439
Body armor. . . . .	630
Conducted energy devices. . . . .	80
Contacts and temporary detentions. . . . .	331
Crime and disaster scene integrity. . . . .	282
Crisis intervention incidents. . . . .	301
Custodial searches. . . . .	579
Domestic violence. . . . .	143
Emergency assistance. . . . .	127
Firearm confiscation. . . . .	88

Foot pursuits. . . . .	121
Informants. . . . .	447
MAV recordings. . . . .	342
Occupational hazards. . . . .	687
Personal appearance standards. . . . .	659
Personal communication devices. . . . .	477
Safety belts. . . . .	628
Search and seizure. . . . .	152
Vehicle pursuits. . . . .	108
Vehicle Towing. . . . .	411
Warrant service. . . . .	462

OPERATIONS PLANNING AND DECONFLICTION. . . . .	467
ORGANIZATIONAL STRUCTURE AND RESPONSIBILITY. . . . .	28
OUTSIDE AGENCY ASSISTANCE. . . . .	226
OUTSIDE EMPLOYMENT. . . . .	652
OVERTIME	
Court. . . . .	212
Limitation on hours worked. . . . .	644
Outside. . . . .	655

### P

PARKING	
Citations. . . . .	418
PART-TIME OFFICERS/DEPUTIES. . . . .	213
PATROL. . . . .	275
PAYROLL RECORDS	
Limitation on hours worked. . . . .	644
PEPPER PROJECTILES. . . . .	76
PERFORMANCE EVALUATIONS	
Conflict of interest. . . . .	670
Field training. . . . .	329
Part-time officers/deputies. . . . .	215
Sick leave. . . . .	610
PERFORMANCE HISTORY AUDITS. . . . .	677
PERSONAL APPEARANCE STANDARDS. . . . .	659
PERSONAL COMMUNICATION DEVICES . . . . .	477
PERSONAL PROTECTIVE EQUIPMENT. . . . .	495
PERSONNEL COMPLAINTS	
Bias-based policing. . . . .	278
Brady. . . . .	456
Disabled persons. . . . .	247, 252
Limited English proficiency. . . . .	244
MAV recordings. . . . .	343
Performance indicator. . . . .	678
PERSONNEL ORDERS. . . . .	42
PHOTOGRAPHS	
Aircraft accidents. . . . .	325
Field. . . . .	333
First amendment assemblies. . . . .	372
Photo lineup. . . . .	451

# Traverse City Police Department

TCPD Policy Manual

## Traverse City Police Department Policy Manual

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POLICY MANUAL. . . . .	16	Anti-retaliation. . . . .	603
PREGNANCY		Bias-based policing - annual. . . . .	278
Custody. . . . .	567	Crisis intervention in incidents - annual. . . . .	304
CUSTODY. . . . .	562	Discriminatory harassment. . . . .	169
Juveniles. . . . .	576	Emergency operations plan. . . . .	31
PRIVACY EXPECTATIONS		Exposure control plan - periodically. . . . .	612
Administrative Searches. . . . .	620	Exposures. . . . .	685
Email. . . . .	41, 41	Eyewitness identification process - annual. . . . .	450
Mobile Data Terminal. . . . .	346	Illness and injury prevention. . . . .	685
Personal communication devices. . . . .	477	Incident review - training. . . . .	37
Speech, expression and social networking. . . . .	683	Information technology. . . . .	196
Technology use. . . . .	194	LEP coordinator. . . . .	238
Vehicles. . . . .	484	MAV recordings. . . . .	343
PRIVATE PERSON'S ARREST. . . . .	237	Mobile audio/video. . . . .	278
PROTECTED INFORMATION		Policy manual. . . . .	19
Ride-alongs. . . . .	286	Post pursuit. . . . .	114, 114
Unauthorized release. . . . .	190	Public records on social media. . . . .	200
PROTECTIVE CUSTODY		Pursuit policy. . . . .	120
Children. . . . .	156	Registrant compliance - annual. . . . .	229
Dependent adults. . . . .	162	Reports. . . . .	204
PUBLIC ALERTS. . . . .	178	Temporary information files. . . . .	336
PUBLIC RECORDING OF LAW		Training plan. . . . .	33
ENFORCEMENT ACTIVITY. . . . .	354	Unclaimed money - annual. . . . .	520
PUBLIC SAFETY VIDEO SURVEILLANCE	254	Use of force review board. . . . .	67
PURSUIITS		Vehicle pursuits - annual. . . . .	119
Foot. . . . .	121	Video surveillance system - annual. . . . .	257
Vehicle. . . . .	108	RIDE-ALONGS. . . . .	284
<b>R</b>		<b>S</b>	
RAPID RESPONSE AND DEPLOYMENT. . . . .	315	SAFETY	
RECORDS RELEASE		Anti-retaliation. . . . .	601
Adult abuse. . . . .	164	Bomb calls. . . . .	295
Media. . . . .	208	Canine. . . . .	485
OIS. . . . .	207, 208	Conduct. . . . .	192
Public safety video surveillance. . . . .	257	Defective vehicles. . . . .	481
RECORDS RETENTION		First responder. . . . .	282
Personal protective equipment. . . . .	498	Fitness for duty. . . . .	642
Recruitment and selection. . . . .	587	Hazardous material response. . . . .	288
RECRUITMENT AND SELECTION. . . . .	585	Inspections. . . . .	688
REGISTRANTS. . . . .	228	Inspections (vehicle). . . . .	481
RELIGION		Media relations. . . . .	206
Accommodations in custody. . . . .	566	Occupational. . . . .	685
Accommodations in temporary custody of juveniles. . . . .	575	Personal protective equipment. . . . .	495
NAGPRA. . . . .	265	Release of protected information. . . . .	537
Personal appearance standards. . . . .	662	Speech, expression and social networking. . . . .	681
REPORTING OF ARRESTS, CONVICTIONS AND COURT ORDERS. . . . .	604	Temporary custody of adults. . . . .	565
REQUEST FOR CHANGE OF ASSIGNMENT	637	Unlawful or conflicting orders. . . . .	187
RESPIRATORY PROTECTION. . . . .	496	SAFETY BELTS. . . . .	628
RETIREE CONCEALED FIREARMS. . . . .	45	SAFETY EQUIPMENT	
REVIEWS		Auxiliary members. . . . .	221
		Body armor. . . . .	630
		First amendment assemblies. . . . .	373

# Traverse City Police Department

TCPD Policy Manual

## Traverse City Police Department Policy Manual

Hazardous material response. . . . .	290	Discriminatory harassment. . . . .	169
High-visibility vests. . . . .	402	Emergency operations plan. . . . .	32
Patrol vehicles. . . . .	481	Fair and objective policing. . . . .	279
Safety belts. . . . .	628	First amendment assemblies. . . . .	376
Unmarked vehicles. . . . .	482	Hate or prejudice crimes. . . . .	186
SEARCHES. . . . .	149	Hazardous materials. . . . .	689
Administrative. . . . .	623	Limited English proficiency. . . . .	244
Body cavity. . . . .	582	MAV. . . . .	345
Crime scene. . . . .	282	Occupational safety. . . . .	688
Custodial. . . . .	579	Operations planning and deconfliction. . . . .	472
Dead bodies. . . . .	235	Opioid medication. . . . .	368
Police vehicle inspections. . . . .	484	Personal protective equipment. . . . .	499
SEARCH WARRANTS. . . . .	462	Persons with disabilities. . . . .	253, 253
SMOKING AND TOBACCO USE. . . . .	617	Protected information. . . . .	538
SOCIAL MEDIA. . . . .	198	Public safety video surveillance. . . . .	257
Backgrounds. . . . .	587	Pursuits. . . . .	120
Media relations. . . . .	375	Rapid response and deployment. . . . .	317
Speech, expression and social networking. . . . .	681	Social media. . . . .	200
SPECIAL ASSIGNMENTS AND PROMOTIONS. . . . .	594	Speech, expression and social networking. . . . .	684
SPEECH, EXPRESSION AND SOCIAL NETWORKING. . . . .	681	Warrant service. . . . .	466
STANDARDS OF CONDUCT. . . . .	187		
SUBPOENAS. . . . .	211	<b>U</b>	
SUPERVISION STAFFING LEVELS. . . . .	43	UNIFORMS	
SUSPICIOUS ACTIVITY REPORTING. . . . .	379	Badges, patches and identification. . . . .	672
<b>T</b>		Class A uniform. . . . .	667, 667
TAKE-HOME VEHICLES. . . . .	487	Courtroom attire. . . . .	212
TEAR GAS. . . . .	76	Ride-along attire. . . . .	286
TECHNOLOGY USE. . . . .	194	UNLAWFUL ASSEMBLY. . . . .	374
TEMPORARY CUSTODY		UNMANNED AERIAL SYSTEMS. . . . .	458
Adults. . . . .	562	USE OF FORCE	
TEMPORARY MODIFIED-DUTY ASSIGNMENTS		First amendment assemblies. . . . .	374
Outside employment. . . . .	654	Forced blood samples. . . . .	414
THREAT ASSESSMENT. . . . .	467	Review boards. . . . .	67
TRAFFIC		USE OF SOCIAL MEDIA. . . . .	198
Accidents. . . . .	403	UTILITY SERVICE EMERGENCIES. . . . .	321
Citations. . . . .	398, 417		
Signal malfunctions. . . . .	321	<b>V</b>	
TRAINING		VEHICLE MAINTENANCE. . . . .	481
Adult abuse. . . . .	164	VEHICLES	
AED. . . . .	368	Inventory. . . . .	410
Child abuse. . . . .	159	Pursuits. . . . .	108
Child and dependent adult safety. . . . .	261	Towing. . . . .	408
Civil commitments. . . . .	308	<b>W</b>	
Communicable disease. . . . .	615	WARNINGS	
Control devices. . . . .	79	Canine. . . . .	134
Criminal organizations. . . . .	338	Traffic. . . . .	398
Crisis intervention incidents. . . . .	304	WARRANT SERVICE. . . . .	462
Custodial searches. . . . .	583	WATCH COMMANDERS. . . . .	339
		WORK-RELATED INJURY AND ILLNESS REPORTING. . . . .	657