

MITCHELL POLICE DIVISION PROCEDURES

CHAPTER 1

LAW ENFORCEMENT ROLE AND AUTHORITY

1.1 POLICY

- A. The policy of the Mitchell Police Division is to define for all employees as clearly as possible the Division role. First, employees should be made aware of actions and attitudes expected of them so they can, therefore, act according to Division Rules and Procedures. Second, the public will be provided with a standard by which they can measure the performance of the Division.

1.2 OATH OF OFFICE

- A. All personnel, prior to assuming sworn status, shall take a formal oath of office as required by SDCL 3-1-5, 3-1-6, 7-12-10 and 9-14-6, or as may be otherwise required by law. The oath is to be taken before the nearest available judge of a court of record.

SDCL 3-1-5 Oath of office for civil officers--Bond. Every person elected or appointed to any civil office shall, before entering upon the duties thereof, qualify by taking an oath or affirmation to support the Constitution of the United States and of this state, and faithfully to discharge the duties of his office, naming it; and by giving a bond, when one is required, conditioned that he will faithfully and impartially discharge the duties of his office, naming it, and render a true account of all money, credits, accounts, and public personal property requiring inventory, as defined in rules issued by the commissioner of the bureau of administration, that shall come into his hands as such officer, and pay over and deliver the same according to law.

SDCL 7-12-10 Appointment and removal of deputies, jailers, and clerks--Oath and bond. The appointment or removal of each deputy, jailer, and clerk shall be made by the sheriff. Each appointment or removal shall be in writing and filed with the county auditor. Each deputy, jailer, and clerk shall qualify by subscribing the official oath and shall give such bond to the board of county commissioners for the discharge of his duties as the board of county commissioners may require.

SDCL 9-14-6 Oath of office and bond of city officers. In first and second class municipalities, all appointive officers before entering upon the discharge of their duties shall take and subscribe an oath or affirmation of office, in the form required by the Constitution, and furnish an undertaking to be approved by the governing body in such sum as it shall prescribe, conditioned for the faithful performance of the duties of their offices and to account, pay over,

and deliver all money or property coming into their hands by virtue of their office according to law.

1.3 **CODE OF ETHICS**

- A. All sworn personnel are required to abide by the Law Enforcement Code of Ethics adopted by the Mitchell Police Division.

1.4 **LIMITS OF AUTHORITY**

- A. Concurrent jurisdiction means the sharing of, or has equal jurisdiction or authority, within the same jurisdictional boundaries of two or more governmental entities. In the case of the City of Mitchell, the Mitchell Police Division has concurrent police jurisdiction with the law enforcement authorities of the State of South Dakota, and the County of Davison.

1.5 **LEGAL AUTHORITY DEFINED**

- A. Within the jurisdictional city limits, the Mitchell Police Division shall enforce the ordinances of the City of Mitchell and the laws of the State of South Dakota and the United States, and carry out all duties and responsibilities attributed to the Police Division through the Mayor of the City of Mitchell pursuant to the Code of Ordinances of the City of Mitchell, South Dakota, which applicable ordinance derives authority from the Constitution of the State of South Dakota and SDCL 9-29-1, 9-29-2 and 9-29-19.

SDCL 9-29-1 Territorial jurisdiction of municipalities. Every municipality shall have power to exercise jurisdiction for all authorized purposes over all territory within the corporate limits and over any public ground or park belonging to the municipality, whether within or without the corporate limits, and in and over all places, except within the corporate limits of another municipality, within one mile of the corporate limits or of any public ground or park belonging to the municipality outside the corporate limits, for the purpose of promoting the health, safety, morals, and general welfare of the community, and of enforcing its ordinances and resolutions relating thereto.

SDCL 9-29-2 Regulation of police of municipality. Every municipality shall have power to regulate the police of the municipality and pass and enforce all necessary police ordinances.

SDCL 9-29-19 . Powers of policemen--Arrest. All policemen of any municipality shall possess the powers of constables. They may pursue and arrest any person fleeing from justice in any part of the state, and when performing the duties aforesaid may arrest and detain any person guilty of any breach of the peace or any violation of the laws of the state or ordinance of the municipality.

1.6 **CONSTITUTIONAL REQUIREMENTS OBSERVED**

- A. All exercises of police authority shall be accomplished in compliance with current Local, State and Federal Law.

1.7 **CRIMINAL PROCESS**

- A. An arrest is defined as the taking of a person into custody in order that he may be forthcoming to answer for the commission of a crime.
 - 1. To constitute an arrest, there must exist intent on the part of the arresting officer to take the person into custody and corresponding understanding by the person arrested that he is in custody.
 - 2. The test for determining the moment of arrest is whether, under all the circumstances, a reasonable person would believe that he is not free to leave.
- B. Probable Cause
 - 1. In addition to having lawful authority, an officer must also have probable cause to make an arrest.
 - a. It should be remembered that the ultimate goal of an arrest is the supporting of a conviction obtained in a court of law.
 - 2. Probable cause requires more than mere suspicion, but does not require evidence, which would justify a conviction. Of great importance, therefore, it is the totality of circumstances surrounding the arrest.

1.8 **ALTERNATIVES TO ARREST**

- A. The policy of the Mitchell Police Division is to make physical arrest when appropriate. Officers are encouraged to consider alternatives to arrest whenever possible (i.e., citations, summonses, referral, informal resolution and warnings) to address the variety of problems they confront. Since the character of most arrestees is unknown to the police officer, preventative actions must be taken to protect citizens, officers, prisoners and property from possible injury or destruction by the arrestee.

1.9 **PRETRIAL RELEASE AND BONDING PROCEDURES**

- A. All pretrial release and bonding procedures shall be conducted in accordance with the current guidelines set forth by the 1st Judicial Circuit.

1.10 **RECOMMENDING ATTORNEYS AND BAIL BROKERS**

- A. Employees shall not suggest, recommend, advise or otherwise counsel the retention of any specific attorney or bail bond broker. This does not apply when a relative (define same as nepotism) of the employee is seeking such service. In no case may such advice be given where a fee, gratuity or reward is solicited or accepted from the attorney or bail bondsman.

1.11 **USE OF DISCRETION**

- A. A police officer shall use responsibly the discretion vested in the position and exercise it within the law. The principle of reasonableness shall guide the officer's determinations and the officer shall consider all surrounding circumstances in determining whether any legal Action shall be taken.
- B. Consistent and wise use of discretion, based on Professional policing competence, will do much to preserve good relationships and retain the confidence of the public. There can be difficulty in choosing between conflicting courses of action. It is important to remember that a timely word of advice rather than arrest (which may be correct in appropriate circumstances) can be a more effective means of achieving a desired end.

1.12 **DEFENSIVE TACTICS**

The purpose of the PPCT subject control system is to control resistive behavior with techniques that have minimal chance of injury. The PPCT Resistance Control Continuum was designed to give officers a model in which to learn the various levels of subject resistance and the appropriate subject control response. This continuum is a model only and the officer's subject control response should be based upon the subject's actions, the officer's perception of threat and the officer's knowledge of his own abilities.

A. Levels of Resistance

- 1. Psychological Intimidation
Definition: Nonverbal cues indicating subject's attitude, appearance and physical readiness
- 2. Verbal Noncompliance
Definition: Verbal responses indicating unwillingness or threats
- 3. Passive Resistance
Definition: Physical actions that do not prevent officer's attempt of control
- 4. Defensive Resistance
Definition: Physical actions which attempt to prevent officer's control, but never attempt to harm officer
- 5. Active Aggression
Definition: Physical actions of assault
- 6. Deadly Force Assaults
Definition: Deadly force encounters

B. Levels of Control

1. Officer Presence
Definition: Identification of authority
2. Verbal Direction
Definition: Commands of direction or arrest
3. Empty Hand Control
 - a. Soft Empty Hand Control
Definition: Techniques that have minimal probability of Injury (Joint locks, pressure points, etc.)
 - b. Hard Empty Hand Control
Definition: Techniques that have a high probability of Injury (Hand/leg strikes, OC)
 - (1) Conducted Energy Device (CED) - Air Taser
4. Intermediate Weapons
 - a. Impact weapons - (baton)
5. Deadly Force
Definition: Deadly force actions

C. Variables Affecting the Use of Force

The following variables may affect an officer's decision in escalating or de-escalating the level of control.

1. Officer/Subject size and gender
2. Environmental conditions
3. Reaction time

1.13 **USE OF NECESSARY FORCE**

- A. The policy of the Mitchell Police Division is that officers may use whatever force that is reasonably necessary to overcome resistance from a person being taken into custody, to stop an assault of a third person, in self-defense, or as reasonable and necessary to perform his police functions. Officers who use deadly force will be guided by state law and will use such force only when there are strong and compelling reasons, and only when the officer believes it is necessary.

- B. Every possible consideration should be taken prior to the use of a firearm, and if an officer believes that under existing conditions he should not use a firearm to apprehend a felon he should not be criticized or disciplined for this decision if he reasonably believed that other means could be effectively employed.

1.14 **DEADLY FORCE**

- A. Officers are permitted to use deadly force only under the following circumstances:

1. In conformance with SDCL 22-16-32, 22-16-33, 22-16-34, 22-16-35.

SDCL 22-16-32. Justifiable homicide--Law enforcement officers or at command of officer-- Overcoming resistance--Capturing or arresting fleeing felons. Homicide is justifiable if committed by a law enforcement officer or by any person acting by command of a law enforcement officer in the aid and assistance of that officer: (1) If necessarily committed in overcoming actual resistance to the execution of some legal process, or to the discharge of any other legal duty; or (2) If necessarily committed in retaking felons who have been rescued or who have escaped; or (3) If necessarily committed in arresting felons fleeing from justice.

SDCL 22-16-33. Justifiable homicide--Apprehending felon-- Suppressing riot--Preserving peace. Homicide is justifiable if necessarily committed in attempting by lawful ways and means to apprehend any person for any felony committed, or in lawfully suppressing any riot, or in lawfully keeping and preserving the peace.

SDCL 22-16-34. Justifiable homicide--Resisting attempted murder--Resisting felony on person or in dwelling house. Homicide is justifiable if committed by any person while resisting any attempt to murder such person, or to commit any felony upon him or her, or upon or in any dwelling house in which such person is.

SDCL 22-16-35. Justifiable homicide--Defense of person-- Defense of other persons in household. Homicide is justifiable if committed by any person in the lawful defense of such person, or of his or her husband, wife, parent, child, master, mistress, or servant if there is reasonable ground to apprehend a design to commit a felony, or to do some great personal injury, and imminent danger of such design being accomplished.

2. In self defense and defense of others when the officer has clear and sufficient reason to believe that the person at whom the officer shoots meets the following three (3) criteria:

- a. **MEANS:** The suspect must possess the means (ability) to take the officer's life or the life of another person.

- b. **OPPORTUNITY:** The suspect must have the opportunity to take the officer's life or the life of another person. Example: A firearm in his hands; a knife, baseball bat, tire iron, etc., in his hands and he is within striking/stabbing distance of the officer or another possible victim.
 - c. **JEOPARDY:** The suspect must place the officer's life or the life of another person in imminent danger (immediate probable death or extreme bodily injury).
- B. Shooting to wound is prohibited. Under the stress of a shooting situation, it is nearly impossible for even the best marksman to succeed in immediately stopping a suspect by intentionally wounding him. In addition, a wounded person may not cease his life-threatening actions and can still take a life. Officers shall direct shots to the part of the suspect's body that will be most likely to immediately stop the suspect's threatening actions, and which are most accessible under present conditions.
- C. Using all appropriate tactics and procedures, if the officer must fire his weapon to preserve life, he shall fire with sufficient number of rounds and attempts for accurate placement to cause the suspect(s) to be stopped and unable to continue hostile actions. Officers will continue to fire as believed necessary until that objective is achieved.
- D. Justification for the use of deadly force must be limited to what reasonably appears to be the facts known or perceived by an officer at the time he decides to use such force. Facts unknown to an officer, no matter how compelling, cannot be considered in later determining whether the shooting was justified, or not justified.

1.15 **DEADLY FORCE: "Fleeing Felon"**

- A. Use of deadly force against a "Fleeing Felon" must meet the requirements governing the defense of human life as set forth in P&P 1.13
- B. It is important that the officer must be able to show that he or another person probably would have been killed or extreme bodily injury would have resulted had the officer not fired his weapon to stop the suspect. It is not sufficient that the officer believe that the suspect could or might kill the officer or another, the officer must believe that if he does not act immediately to stop the suspect, the officer or a third person will die or suffer extreme bodily injury.

1.16 **WARNING SHOTS**

- A. Officers are **NOT** to fire their weapons under the following circumstances:
 - 1. **Warning shot**
 - 2. From a moving vehicle. Shots should generally not be fired at a moving vehicle unless such vehicle is posing an immediately deadly threat from which there is no readily perceived means of escape.

1.17 **CHEMICAL AGENTS / IMPACT WEAPONS**

- A. Use of Chemical Agent:
 - 1. The purpose of chemical agents are to provide an officer with the means of effecting an arrest, defending himself or others or restraining violent people when other means have failed or are impractical.
 - 2. Officers will use chemical agents in a manner consistent with Divisional training. Offenders will be treated as soon as practical, for the removal of chemical agents from their person.
 - 3. Only Division issued chemical agents will be used by employees.
 - 4. Every attempt to use chemical agents that have not reached their expiration date will be made.
 - 5. Chemical agents should not be used in the case of passive resistance without a supervisor's permission.
- B. Conducted Energy Device (CED)
 - 1. The Mitchell Police Division currently authorizes only the AIR TASER ® for use by Police Personnel. Only those officers properly trained and certified by TASER ® Instructors shall use the TASER ®.

2. The TASER ® is a defensive weapon located at the same level as the hard empty hand techniques on the force continuum.
3. The decision to use the TASER ® is the same as the decision to use chemical spray. An officer justified in using chemical spray is justified in using the TASER ®. The use of the TASER ® will depend on the subject's actions and the distance of the subject from the officer.
4. The TASER ® is an effective weapon to resolve standoff situations quickly; and in a method less likely to result in injury to the officer and the subject.
5. The TASER ® is not a replacement for the firearm and should not be used without firearm back-up; in those situations where there is a real threat towards the officers involved in the situation.
6. Because the TASER ® emits an electrical charge, it should not be used in areas that are potentially flammable.
7. If the TASER ® is used to gain control of a subject, and the TASER ® barbs become imbedded in the subject, then a Medic shall be called for treatment and barb removal. At no time will a police officer attempt to remove imbedded barbs from a subject.
8. When a TASER ® is used on a subject the following procedure shall be followed:
 - The on-duty supervisor shall be notified.
 - The subject's injuries shall be photographed and the film secured as evidence.
 - The expended barbs and cartridge shall be recovered and placed into Evidence. The barbs should be treated as "sharps" and bio-hazard protocol should be followed.
 - A NIBRs report shall be completed.
 - A copy of the event report shall be forwarded to the Major for review and record keeping.
9. Immediately prior to deploying the TASER ® the officer must announce "TASER-TASER". This is done to let the other officers know that the TASER ® is being deployed and that a firearm is not being used.

This announcement shall be followed unless to do so would place another person at risk.

- C. Use of the Baton:
 - 1. The Division approved baton shall be worn by the patrol officer. The baton should be used when a lesser degree of force has proved futile in overcoming resistance or assault or when the officer perceives that a lesser degree of force would probably have proved futile. It must be used consistent with Division training. Intentional blows to the head are to be avoided, unless the situation would justify use of deadly force.
- D. Flashlights are not authorized for use as a baton and, except under exigent circumstances, will not be used as such.
- E. Officers shall not use unnecessary force or violence in making an arrest or in dealing with any person. Prisoners and suspects shall be treated in a fair and humane manner.
- F. The following equipment shall not be carried on duty, unless otherwise authorized.
 - 1. Any type of spring-loaded, lead-weighted instrument used for striking or cutting. This shall include, but not limited to, blackjacks, saps or sap gloves.
 - 2. Unauthorized Weapons: Other than those issued or specifically approved by the Mitchell Police Division will not be carried or used by officers while on duty.
- G. Whenever an officer takes an action that results (or allegedly results) in injury or death to another person, a detailed written report will be completed. The report should specify the action taken. The report will be submitted to the officer's supervisor and through the chain of command for review of the reason for such use of force that existed at the time of occurrence.

1.18 **PROVIDING MEDICAL AID AFTER USE OF FORCE**

- A. The policy of the Mitchell Police Division is to render reasonable medical aid to any person after the use of force.
- B. Medical aid will be rendered to injured people after threats of violence to the officer or others have ceased.
- C. Any officer who may have caused injury by potentially lethal force should attempt to determine if life saving measures and/or appropriate medical aid should be initiated, after the immediate threat has ceased. If the officer determines that immediate medical aid should be rendered, or is not absolutely sure that death has occurred, the officer will notify responding medical units, make the scene safe, and provide appropriate medical first aid to the suspect.

- D. Any officer who may have caused injury by less lethal force should attempt to determine if medical aid should be rendered to the suspect after the immediate threat has ceased. Appropriate measures to secure the suspect shall be employed. If there is reason to believe that an injury was sustained, the suspect shall be taken for medical treatment as soon as possible. Striking with the baton shall be reason to believe that an injury is sustained.
- E. When processing a suspect into the county jail the officer must:
 - 1. Inform the intake officers that the subject was sprayed with chemical irritants.
 - 2. Notify jail intake officer that suspect was struck with an impact weapon.
 - 3. Inform intake officer the suspect was exposed to CED.

1.19 **OTHER APPROVED DISCHARGE OF WEAPON**

- A. Officers who are required to discharge their weapons should adhere to the following guidelines.
 - 1. Discharge at an approved target at an approved firing range facility.
 - 2. For practice or recreational shooting in an area where firing a weapon would be safe and lawful.
 - 3. In order to destroy any animal that appears to be suffering from an apparent fatal wound or sickness.
 - 4. At any animal that is obviously mad or vicious and cannot otherwise be prevented from killing or seriously injuring any person.
- B. The discharge of a firearm is an irreversible action and, if possible, an officer should evaluate the following prior to firing his weapon:
 - 1. Potential danger to those present other than the suspect(s).
 - 2. The existence of exigent circumstances that may require the use of deadly force for the protection of the life of the officer or others.
 - 3. Regardless of the nature of the crime or the legal justification for firing at a suspect, officers are reminded that their basic responsibility is to protect the public. Officers are instructed to be particularly cautious when firing under conditions that would subject innocent bystanders to substantial danger.

1.20 **FIREARM DISCHARGE, WRITTEN REPORT**

- A. Officers are required to give a written or recorded statement, which includes the circumstances of the incident, the weapon used and the number of rounds fired. The report will be submitted to the officer's supervisor and through the chain of command for review.

Exceptions - Training, recreation and with the approval of a supervisor.

- B. If an investigation of the incident supports a conclusion that the discharge of the weapon was the result of negligence, the officer will be required to undergo corrective training as determined to be necessary by a firearms instructor.

1.21 **REPORT ON USE OF FORCE**

- A. Whenever it is necessary to fire a weapon to preserve life, the officer shall file a written report detailing the occurrence as soon as the officer feels capable of giving a thorough, accurate account of the situation.

- B. Whenever an officer applies the use of less-lethal weapons to a person, he/she is required to complete a written report detailing the occurrence. The report should address any use of physical force, use of less-lethal weapons, or any other action resulting in injury or death, including traffic accidents. The written report will be completed within a timely period and forwarded to his/her immediate supervisor for review.

1.22 **DESTROYING ANIMAL WITH A FIREARM**

- A. Steps should be taken to ensure the safety of all citizens, property, and other animals prior to the destroying of the animal.
- B. Shooting the animal in the brain is preferred unless there is a possibility of rabies or that the animal has bitten someone. In these cases, the animal should be shot in the chest cavity, directly behind either front leg.
- C. Whenever it is necessary to destroy an animal with the use of a firearm, a written report shall be completed detailing the occurrence.

1.23 **REVIEW OF WEAPON USE**

- A. The Immediate Supervisor will review and/or investigate all discharges of firearms, excluding firearms training, recreation, or routine disposal of an animal.
- B. The Investigative Section will be responsible for the investigation of incidents where a crime may have been committed.
- C. The Shift Commander, Major or Lieutenant will inform the Chief of Public Safety as soon as possible, to be followed up with a written report detailing the chain of events.

1.24 **REASSIGNMENT OF OFFICERS USING LETHAL FORCE**

- A. The Chief of Public Safety or his designee shall have the authority and responsibility to relieve from duty with pay any employee whose actions result in a death or serious physical injury, either accidentally or intentionally.
- B. The Chief of Public Safety or his designee also shall have the authority to relieve from duty with pay any employee who has discharged his firearm, including off-duty situations, excluding firearms training, recreation or when prior permission had been received from a supervisor.
- C. Any employee who has been relieved of duty for a shooting incident shall remain on Administrative Leave with full pay and benefits pending the outcome of the shooting investigation, at which time his duty status may be changed by the Chief of Public Safety based on the investigation findings.
- D. Any employee who has been involved in any shooting incident or other stressful situation shall be sent to a mental health professional for evaluation and/or counseling. This procedure does not preclude the use of a Critical Incident Team or other resources as deemed appropriate by the Administration.
- E. If an officer is placed on Administrative Leave and his duty firearm must be confiscated for investigative purposes, that officer will be issued another firearm (if available) to carry pending the completion of investigation.

1.25 **ON/OFF-DUTY WEAPONS**

- A. Officers are required to carry a fully loaded, Division issued firearm while on-duty.
- B. This requirement may be waived by the Chief of Public Safety or his designee, when appropriate.
- C. When the Division issued firearm is carried off-duty, official identification must also be carried. When any concealed firearm is carried off-duty the officers must carry official identification.
- D. All applicable Rules and Procedures of this Division will be strictly adhered to when an off-duty officer initiates any type of police action while off-duty.
- E. Authorized Weapons On-Duty:
 - 1. All officers shall carry a Division issued weapon or weapons. Different weapons may be issued for specialized assignments.
 - 2. Officers may carry only weapons for which they have been qualified.

3. While working in other jurisdictions, officers must follow the rules of respective Agencies or jurisdictions in regard to carrying weapons under their jurisdiction.

F. Authorized Weapons Off-Duty:

1. Employees carrying a firearm for use in secondary employment must carry the Division issued weapon, ammunition and identification. The Chief's office will reserve unto themselves, the authority to allow any special police officer from any organization the right to use City equipment when it is deemed in the best interest of the City of Mitchell and the citizens of Mitchell.
- G. Officers requesting to carry a non-Division issued firearm off duty, while within the jurisdiction of Mitchell, must demonstrate to the Firearms Instructor that they are knowledgeable in the mechanics and safe operation of the weapon. They must qualify with the weapon before they are permitted to carry it.
- H. Officers carrying a handgun off-duty, when outside the jurisdiction of Mitchell, must have a current South Dakota permit to carry a concealed handgun or the Law Enforcement Standards and Commissions ID.

1.26 **PERSONAL FIREARMS**

- A. The policy of the Mitchell Police Division is that all firearms carried off-duty shall be registered with the Major, and must meet or exceed the manufacturers minimum standards for safety and performance. The armorer is responsible for certifying the firearms are in good working order and conform to Divisional standards. Only one firearm will be registered and deemed to the individual officer's off-duty firearm.

Make: Any make of firearm may be carried which is well constructed, safe, reliable, and approved by the Firearms Instructor.

Caliber: 9mm Parabellum, 38 Special, .357 or 40 cal.

Type: Revolver or semi-automatic

Barrel: Revolver: 2" to 6"

Semi-Automatic: 2" to 6"

Sights: Fixed or adjustable

Action: Double Action (Single Action only in case of semi-automatic weapons with approval of the Firearms Instructor).

1.27 **CONTROL OF WEAPON AND AMMUNITION TYPE - Revised 8/27/2007**

- A. Only Divisional issued ammunition shall be carried for use in Division issued weapons. Divisional issued or approved ammunition will be used in off-duty weapons.
- B. Reloaded and/or altered ammunition will not be carried, with the exception of firearms practice.
- C. Uniformed officers are required to carry at least 1 but no more than 2 fully loaded extra magazines of Division issued ammunition while on duty.
- D. Non-uniformed officers are required to carry fully loaded firearms.
- E. Only the Firearms Instructors will replace and distribute ammunition to sworn officers.
- F. Privately owned weapons may be approved by the Emergency Response Unit Commander for E.R.U. members only. Any privately owned weapon must first be inspected and certified by an Armorer or Gunsmith to be functioning properly and safely and to be free of defects. Open sights and scopes may be authorized. Individuals assigned to the E.R.U. must qualify and sight their weapon with Division issued ammunition.

1.28 **USE OF THE SHOTGUN**

- A. Only Division issued and approved shotguns will be carried on-duty.
- B. The shotgun shall be stored in the following manner:
 - Chamber----- Empty
 - Safety----- On
 - Magazine----- Fully loaded
 - Action----- Closed
- C. When the shotgun is available for service by patrol personnel, it will be carried in the "provided carrier" in the marked patrol car.
 - 1. Shotguns will only be repaired or modified by an Armorer or Gunsmith.

1.29 **FIREARMS SAFETY PROCEDURES**

- A. On-duty officers shall remove firearms from their holsters or racks only for the following reasons:
 - 1. In the line of duty
 - 2. Inspections
 - 3. Training

4. When changing holsters or weapons
 5. Cleaning
- B. Officers will not remove their firearms from their holsters or racks or other storage device for any "dry firing" or "quick draw" activity.
 - C. Officers will not remove their firearms from their holsters when they place their gun belt in their lockers.

1.30 **INSPECTION OF FIREARMS**

- A. Supervisors, Firearms Instructors and Armorers are authorized to inspect on-duty weapons, at any time, to ensure safety and dependability.
- B. Firearms Inspection, when conducted, officers shall follow the specific directions of the inspector for drawing, unloading, and reloading weapons.

1.31 **ARMORER'S INSPECTION AND CLEANING**

- A. Mechanically unsafe or undependable firearms shall not be carried knowingly by officers. Any malfunction or suspected malfunction of a firearm shall be reported to a supervisor as soon as practical. The supervisor shall ensure the weapon is submitted to the Armorer or Gunsmith for inspection. Any firearm not meeting the manufacturer's minimum standards shall be repaired before being carried by the officer. Only the Division Armorer or Gunsmith may conduct repairs.
- B. Any weapon registered by the officer as being used for police duties and determined to be in need of repair and/or maintenance shall be submitted to the Armorer for completion of the repair or maintenance. The Armorer must certify that the weapon meets minimum manufacturer's standards for safety and performance prior to the officer carrying the weapon in the performance of police duties. A Gunsmith may make the same certification.
- C. The Major shall maintain adequate records of every firearm registered by officers. The records shall contain the officer's name, serial number of all weapons and history of repairs and modifications.

1.32 **WEAPONS PROFICIENCY**

- A. Officers may carry or use a firearm, police baton, chemical spray and CED weapons only after completing:
 1. Acceptable qualification scores as determined by the Firearms Instructor, Defensive Tactics Instructor, Chemical Weapons Instructor and CED instructor.

2. Classes will be conducted on:
 - a. Division Rules and Procedures
 - b. State Laws on the use of Deadly Force
 - c. Firearms mechanics and safety
 - d. Aerosol Projectors
 - e. Pressure Point Control Techniques
 - f. Police Baton
 - g. Less lethal projectiles
 - h. CED

B. Weapons Qualifications:

1. Each officer will qualify with his duty firearm and CED at least once annually. Chemical spray and the Police Baton qualifications will be required annually, if applicable.
2. Each officer who carries a separate off duty firearm must qualify with that weapon annually.
3. Each officer shall qualify with shotguns and rifles annually.
4. Officers failing to qualify with a firearm, CED or police baton will not be allowed to carry that weapon until they do qualify. Each officer will pass the State required firearms qualification course annually with his/her duty firearm.

1.33 **ANNUAL FIREARMS QUALIFICATION**

- A. The Firearms Instructor's shall be responsible for coordinating the firearms-training program, and shall be responsible for announcing in advance when training sessions are to occur.
- B. The goals of the weapon qualification and training program are to improve each shooter's skill and to give each officer the skill to recognize and survive a combat situation.
- C. Officers who fail to attend scheduled qualification shall be subject to disciplinary action by the Chief of Public Safety.
- D. Qualification is determined by the officer achieving a passing score. If an officer fails to attain a passing score, the officer will receive remedial training until a passing score is achieved or all reasonable efforts to correct problems have been exhausted. Retraining shall be completed as soon as possible.
- E. If, after retraining, an officer is unable to qualify an assessment of possible additional remedial training will be made by all firearms instructors. If the conclusion of the collective

instructors and the Chief of Public Safety is that additional training is not likely to be successful, the officer is then subject to suspension.

1.34 **INSTRUCTION ON USE OF FORCE**

- A. All Sworn members of the Mitchell Police Division shall review and be instructed in use of force prior to being authorized to carry a weapon.
- B. Employees are to be familiar with and maintain a working knowledge of laws and ordinances in force in the City of Mitchell and the rules, orders, and procedures of the Mitchell Police Division.

1.35 **WEAPON USE FINDINGS TO CHIEF OF PUBLIC SAFETY**

- A. At the termination of an investigation, pursuant to 1.22 (A), the investigating officer shall prepare and submit to the Chief of Public Safety a final report of findings.
- B. The written firearms discharge report should include the relevant facts and circumstances surrounding the incident and a conclusion as to whether the discharge violates any Division policy or procedure.

1.36 **SURRENDER OF FIREARMS**

- A. Officers shall not surrender their weapons to anyone who may be holding someone as a hostage or is a suspect in criminal activity.

1.37 **RACIAL AND ETHNIC PROFILING**

- A. It is the fundamental duty of every member of the Mitchell Police Division to observe, respect, and protect the Constitutional rights of all persons with whom they come in contact.
- B. No person shall be subject to any stop, detention, enforcement action, or search by members of this Division when such stop, detention, enforcement action, or search is based solely and impermissibly on the person's race, color, sex, or national origin or upon the member's perception of any person's race, color, sex, or national origin.
- C. It shall be the responsibility of supervisors to properly review the actions and reports of subordinates for any possible violations.