

# MITCHELL POLICE DIVISION

## Chapter 35

### PATROL

PURPOSE: This chapter establishes the goals, functions and objectives of the patrol function within the Mitchell Police Division. The word "Patrol" is used in its broadest sense, and is defined as the deployment of officers to repress and prevent criminal activities, investigate offenses, apprehend offenders, and furnish routine police services to the community by engaging in a wide variety of activities.

#### **35.1 PATROL COMPONENT ESTABLISHED**

The policy of the Mitchell Police Division is that the patrol officer is primarily responsible for carrying out the functions of the Patrol Section. The functions are as follows:

The prevention of crime, the protection of life and property from criminal conduct, the apprehension of violators of the criminal and traffic codes, recovery of lost and stolen property, the regulation of non-criminal conduct, providing emergency services and community security.

#### **35.2 PATROL COMPONENT OBJECTIVES**

- A. The Mitchell Police Division provides a service to the community and must measure the quantity and quality of that service. Evaluations of service demand and citizen satisfaction are important to the continuation of adequate police service. Planning for the delivery of service must be based on an evaluation of demands, efficiency and the effectiveness of the organization.
- B. The general objectives of the patrol function include, but are not necessarily limited to, the following:
  - 1. Prevention of Crime: The prevention of crime and the voluntary compliance with the law is a basic obligation of every person living in a free society. Professional police are employed by society to prevent crime, to deter it, and to apprehend those who violate the law.
    - a. The prevention of crime can be achieved only through the free exchange of information between the public and the Division. Identifying problem areas, sharing crime information as well as trends, and communications are paramount in the dual effort by the public and the Division to prevent crime. All Division

employees should possess knowledge of crime problems and law enforcement needs.

- b. Suppress and prevent opportunities for crime, investigate actual criminal activity to help prevent increases in the crime rate from increasing commensurate with the rate of growth of the community.
2. **Deterrence of Crime:** Crimes committed in public places are reduced by the criminal's fear of immediate apprehension or increased likelihood of detection. The deterrence of crime requires the investigation of behavior, which reasonably appears to be criminally directed. The Division must strike a balance between deterrence and any appearance of oppression. The people, not the Division, determine the limitations of their freedom.
3. **Apprehension of Offenders:** Once a crime has been committed, it is the duty of the Division to initiate the criminal justice process by identifying and arresting the perpetrator, by obtaining necessary evidence, and cooperating in the prosecution of the case.
4. **Recovery and Return of Property:** The Division will make every reasonable effort to recover lost or stolen property, to identify its owners, and to ensure its prompt return.
5. **Movement of Traffic:** The Division will enforce traffic laws, investigate traffic accidents, and direct traffic to facilitate the safe and expeditious movement of vehicular and pedestrian traffic. The Division warns, cites and arrests traffic law violators to enforce compliance with traffic laws and to develop driver awareness of the causes of traffic accidents.
  - a. Increase the safety of the motoring public by reducing accidents through appropriate traffic enforcement and patrol procedures.
  - b. Effectively enforce traffic regulations.
6. **Service to the Public:** The Division will respond to calls for service and render such aid or advice as is necessitated by the situation. Such services are provided in cooperation with other public and private agencies.

### **35.3 PATROL OFFICER RESPONSIBILITIES**

- A. Officers will notify the supervisor prior to briefing of scheduled court appearances during their tour of duty.
- B. Officers will proceed immediately to their assigned duties upon dismissal from briefing. Patrol officers, while on duty, shall not loiter about headquarters, courtrooms, fire stations, dispatch center, or any other place.
- C. Through calls for service and personal observations, identify violations of federal, state and municipal law, report and take police action as required.
- D. Become thoroughly familiar with the city, including but not limited to streets, alleys, highways, medical facilities, convenience stores, banks, public buildings, government and private facilities, factories, offices, businesses, telephones, fire stations, fire escapes, theaters, schools, etc. Officers shall acquire knowledge to enable them to render intelligent and helpful assistance when requested and to better assist them in responding to calls for service, crimes in progress and emergencies.
- E. Familiarize themselves with all activities in their districts in order to recognize unusual or suspicious circumstances, such as idling cars near businesses, driving at night without lights, or persons acting in an unusual way.
- F. Officers shall not fail to render assistance in the protection of persons and property.
- G. During hours businesses are closed, exercise vigilance and pay particular attention to those buildings for signs of criminal activity, fires and other damage or hazards. Officers shall immediately investigate all suspicious and unusual circumstances.
- H. Give particular attention to pool halls, bowling alleys, dance halls, bars, all night eating places, convenience stores and all other places where the criminal element may congregate.
- I. Take corrective action on all nuisances, impediments, obstructions, defects or other conditions in or adjacent to the streets, alleys and public places which tend to endanger the health, safety or convenience of the public.
- J. Report all dead animals found on public property to the Animal Control Officer or Dispatcher.
- K. Immediately report all fires they observe and respond to those fires where

there is a serious threat to life, possible arson, or where they are needed for traffic or crowd control or are specifically requested by the Fire Division.

- L. Immediately report all traffic signals, controls or signs obstructed by a sign, tree, post or other object, condition which creates a blind, hazardous corner, or is ineffective due to damage.
- M. Advise citizens of suitable crime prevention measures and urge their cooperation with the police in reporting all crimes, suspicious persons and incidents.
- N. Contact any person who is under the influence of drugs, alcoholic beverages, or is mentally ill to determine if he may be a danger to himself or someone else. If appropriate, protective custody and placement in the proper facility as required. If a violation of law exists, appropriate police action is to be taken.
- O. Not unnecessarily leave the patrol car unattended and shall remove the keys and lock the car if they leave it.
- P. Notify the Dispatcher and immediately respond and give assistance or take appropriate police action upon sight or receipt of information from any source of a serious accident or crime or other situation requiring police attention.
- Q. At locations where large crowds are assembled, preserve order and prevent the commission of crimes, blocking traffic and the destruction of property.
- R. Respond promptly to calls for service and resolve them to the best of their abilities. Unless the reporting party or complainant specifically requests not to be contacted when a call is received, the responding officer will make every attempt to contact the reporting party.
- S. In unusual or emergency situations where a supervisor is not present or available for guidance, the senior officer is in charge.
- T. When the officer in charge at the scene can dispense of the services of other officers who have responded, he shall direct them to resume patrol.
- U. Seize any property that has been lost, stolen or abandoned in accordance with Division procedures.
- V. Properly inventory, record and deliver to the Evidence or Property Room all property and evidence seized or found, according to Divisional procedures before going off-duty.
- W. Participate in crime prevention and community relations functions.

#### **35.4 DUTIES OF SHIFT COMMANDER AND SUPERVISOR**

- A. The Shift Supervisor: Should not be assigned or assume any duty that will relieve him of his responsibility for patrol supervision.
- B. The Shift Supervisor is responsible for reviewing all arrests made during his/her shift or previous shift period.
- C. Shift Supervisors shall demand from their subordinates, compliance with the rules, procedures and directives of superior officers.
- D. Shift Supervisors shall follow-up or resolve the complaints you can and/or ascertain that they receive proper attention.
- E. Shift Supervisors shall routinely inspect patrol vehicles for cleanliness, safety, overall conditions, supplies and mechanical condition. Any deficiencies shall be resolved as soon as possible.
- F. Shift Supervisors shall carefully review all reports submitted by patrol officers and ensure the completeness and that they are free of deficiencies.
- G. It is the duty of the Shift Supervisor to always maintain open communications with the other components of the Division.
  - 1. The Shift Supervisor shall ensure cooperation and coordination between the members of the Patrol Section and members of all other components of the Police Division.
  - 2. Shift Supervisors shall ensure that pertinent information is passed on from the Patrol Section to the Investigation Section and any other component of the Division that may have need for such information.

#### **35.5 MAJOR TACTICAL OPERATIONS**

Occasionally officers will be required to respond to a major emergency, e.g. barricaded gunman, hazardous material spill, natural disaster. The following are minimal guidelines to assist in handling such emergencies:

- A. The first officer on scene will be the Control Officer until relieved by a supervisor or Incident Commander. The control officer will establish an inner perimeter by making appropriate assignments to other officers responding.
- B. The control officer should attempt to evaluate the need for other emergency

services and request same, i.e. Fire Division, Ambulances.

- C. If necessary and safe to do so, evacuation of civilians who may be in danger and first aid for victims should be initiated.
- D. The Shift Supervisor is to take charge of the operation as quickly as possible until properly relieved.
- E. Establish traffic control points, outside perimeters, command post, aid stations and pick-up for victims.
- F. In hostage or barricaded gunman situations, refer to the barricaded gunman/hostage Chapter of the Rule and Procedures.

### **35.6 DOMESTIC VIOLENCE**

- A. The policy of the Mitchell Police Division is to make an arrest, where probable cause exists that a crime has been committed, of person(s) suspected of domestic violence. The authority to make an arrest in a domestic violence incident rests in SDCL 23 A-2-2, SDCL 23 A-3-21 and SDCL 23 A-3-22, and all other applicable State statutes. Comprehensive training for responding to domestic violence calls is provided through the Divisions in-service training. Officers should follow these minimal guidelines when involved in a domestic violence call:
  - B. No more than two officers should respond to the call, unless authorized by the shift supervisor.
  - C. Responding officers should get as much information about the incident as possible, especially if weapons are involved.
  - D. Due to the nature of the domestic violence incident, officers should be cautious when approaching the location of the call and when dealing with the parties involved.
  - E. Officers should be able to provide the victims of domestic violence with victim's referral and counseling information and be familiar with the State statutes governing protection from domestic violence in SDCL 25-10.
  - F. In situations where the officer suspects there may be some form of abuse, but does not have probable cause to make an arrest, the officer will document the circumstances of the incident. Documentation is very important where the officer expects repeat calls or there would be information regarding officer protection when responding to a domestic violence call involving the parties.

**SDCL 23A-2-2.** (Rule 4(a)) Warrant or summons issued on complaint--Sworn oral testimony-- Failure of defendant to respond to summons. If it appears from a complaint, or from an affidavit or affidavits filed with a complaint, that there is probable cause to believe that an offense has been committed and that a particular person has committed it, a warrant for the arrest of that person, if requested by the prosecuting attorney, shall be issued to any officer authorized by law to execute it. If circumstances make it reasonable to do so in the absence of a written affidavit, an arrest warrant may be issued upon sworn oral testimony of a person who is not in the physical presence of a committing magistrate if the committing magistrate is satisfied that probable cause exists for the issuance of the warrant. The sworn oral testimony may be communicated to the magistrate by telephone or other appropriate means and shall be recorded and transcribed. After transcription the statement shall be certified by the magistrate and filed with the court. This statement shall be deemed to be an affidavit and complaint for purposes of this section. Upon the request of the prosecuting attorney, a summons instead of a warrant shall be used. More than one warrant or summons may be issued on the same complaint. If a defendant fails to appear in response to a summons, a warrant shall be issued.

**SDCL 25-10-36.** Arrest of criminal suspect when responding to domestic abuse call. If any law enforcement officer who is responding to a domestic abuse call has probable cause to believe that a crime has been committed, the law enforcement officer shall arrest the person who is suspected of committing the crime and make a complete report of any action taken. The officer shall indicate on the arrest report and the fingerprint document if the arrest is for a crime against a family or household member as defined in § 25-10-1.

**SDCL 25-10-38.** Report of domestic abuse arrest forwarded to prosecutor--Victim to be notified of status of case. Any report made pursuant to § 25-10-36 shall be forwarded to the appropriate prosecutor within ten days of making the report. The prosecutor shall, within five days of receipt of the report, notify the victim either orally or in writing of the status of the case at the victim's request. If the state's attorney decides not to prosecute he shall inform the victim of the reasons.

## **35.7 JUVENILE CURFEW ENFORCEMENT**

- A. The policy of the Mitchell Police Division is to take appropriate action, where probable cause exists that a crime has been committed, of juvenile(s) suspected of violating the Juvenile Curfew Ordinance. The primary purpose of this procedure is to take appropriate action for the protection of juveniles. The authority to make an arrest in a curfew violation rests in City Ordinance 6-4-1A.

### **CITY ORDINANCE 6-4-1A**

Age And Hour Restrictions: No minor under the age of sixteen (16) years shall be or remain in or upon the public streets, alleys, parks, playgrounds, public grounds, public places, public buildings, public places of amusement and entertainment, vacant lots or other unsupervised public places within the city between the hours of eleven o'clock (11:00) P.M. and six o'clock (6:00) A.M. on Sunday through Thursday nor between the hours of twelve o'clock (12:00) midnight and six o'clock (6:00) A.M. on Fridays and Saturdays.

- B. Officers are directed to observe the following procedure when enforcing the Curfew ordinance:
  - 1. The officer, upon finding a juvenile in a public place during prohibited hours, shall ascertain the name and address of such juvenile. The Juvenile shall be transported to the Police Division.
    - a. The officer will complete a case report with the juvenile listed as the arrestee.
    - b. The officer will require the parents to come to the Police Division to pick up their child. If a parent cannot be located, the juvenile will be released to an appropriate adult. The officer should not bring the juvenile home unless there are extenuating circumstances.

### **35.8 PATROL COORDINATES WITH OTHER UNITS**

- A. The exchange of information between patrol shifts and other Division components is critical to the effectiveness of the Division as a whole, and may be accomplished through memorandums or verbally depending upon the given situation.
- B. There are a number of ways that information be communicated and cooperation/coordination maintained between patrol and other agency components. The following procedures shall be utilized to ensure appropriate communications within the agency.
  - 1. Investigative/Support personnel shall, whenever practical, attend and participate in shift briefings, which serve as a critical means of broadcasting information between the patrol and investigative components.
  - 2. The review of written case reports by investigative personnel shall serve to provide a flow of information between the patrol and investigative components.

- C. Each patrol officer's responsibility is to maintain communication with all components of the Division.
  - 1. Each officer shall cooperate with other employees of the Division.
  - 2. Officers shall coordinate their investigation efforts with members of the Investigation Section or members of any other specialized enforcement component.
  - 3. Officers shall pass on important crime information to the Investigation Section.
  
- D. The responsibility of every member of the Division is to ensure that communication, coordination, and cooperation between patrol shifts and other specialized functions are achieved.

### **35.9 NOTIFICATION OF EMERGENCY RESPONSE UNIT (ERU)**

The ranking supervisor on duty shall contact the Commanding Officer of the Emergency Response Unit (ERU) and advise of the situation, which he feels warrants the ERU. The Commanding Officer of the ERU shall then contact the Chief of Public Safety to mobilize the unit. In the Chief's absence, the chain of command will be used for mobilization.

### **35.10 NOTIFICATION OF THE CHIEF OF PUBLIC SAFETY**

The on-duty Commanding Officer shall be responsible for notifying the Chief of Public Safety of any situation involving injury or death of an officer or any other major situation or situations of a sensitive nature. This notification shall be accomplished as soon as sufficient information has been obtained to the Chief of Public Safety an adequate briefing.