



Issue: POLICE DEPARTMENT POLICY MANUAL UPDATES

Date: April 4, 2022

Submitted By: Joe Campbell, Chief of Police

Background

The Nixa Police Department utilizes Lexipol to maintain our department policy manual. As part of the service provided by Lexipol, updates to our policy manual are recommended on an ongoing basis. Most of the updates are minor and do not affect the overall intent of the policy. However, occasionally there are recommendations for major changes to police department policy. These are often a result of statutory changes at the state level, law changes at the federal level, or are the result of case law decisions when police actions are litigated around the country.

Additionally, we find it necessary to make temporary changes to policy throughout the year in the form of a General Order issued by myself. These orders allow us to continue operations without interruption and comply with policy.

Analysis

A review of our policy manual showed we needed several updates most of which are minor. However, there were a few policy updates that had major changes. Those policies are provided separately with redlines to show the applicable changes. Those specific policies are 802 Records, 1000 Recruitment and Selection, 1007 Personnel Complaints and 1010 Personnel Records.

Policy 1014 Employee Compensation and Overtime Program has been attached separately with highlighted sections which were added to address variances for different shift lengths, police holiday pay, grant overtime pay, and guaranteed overtime pay.

This Policy was also revised to conform to the city overtime policy which recently changed the way overtime was calculated to exclude benefits time and only include actual hours worked.

I have also included all the current general orders I have issued since the last approval of our manual that need to be incorporated into policy along with a document that shows all our current policies in their up-to-date form.

Recommendation

Staff recommends approval of these police department policy updates.

RESOLUTION NO. 2022-042

**A RESOLUTION OF THE COUNCIL OF THE CITY OF NIXA AMENDING THE
POLICE DEPARTMENT'S LAW ENFORCEMENT POLICY MANUAL.**

WHEREAS the City's Police Department utilizes Lexipol to maintain said Department's Law Enforcement Policy Manual; and

WHEREAS as part of the service provided by Lexipol, updates to the manual are recommended on an ongoing basis; and

WHEREAS these updates are usually recommended due to statutory changes or case law updates; and

WHEREAS an amended manual is attached to this Resolution as "Resolution Exhibit A," this document reflects all the changes recommended by Lexipol and approved by the Chief of Police.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NIXA, AS FOLLOWS, THAT:

SECTION 1: The Police Department's Law Enforcement Policy Manual is hereby amended by repealing the current Manual and adopting in lieu thereof the document attached hereto, and incorporated herein by this reference, as "Resolution Exhibit A."

SECTION 2: This Resolution shall be in full force and effect from and after its final passage by the City Council and after its approval by the Mayor, subject to the provisions of section 3.11(g) of the City Charter.

ADOPTED BY THE CITY COUNCIL THIS 11th DAY OF APRIL 2022.

ATTEST:

CITY CLERK

PRESIDING OFFICER

APPROVED BY THE MAYOR.

ATTEST:

CITY CLERK

MAYOR

APPROVED AS TO FORM:

DATE OF APPROVAL

CITY ATTORNEY

Nixa Police Department

Law Enforcement Policy Manual

CHIEF'S PREFACE

I am pleased to present you with this policy manual. Lexipol is the leader in law enforcement risk management and policy development. By adopting the Lexipol system you can be assured that our policy manual is current with applicable state and federal law and law enforcement best practices. It must be kept in mind that no policy manual will embrace all situations in the general discharge of police duties, but some things must necessarily be left to the judgment and discretion of the individual. However, that discretion must not be used without good reason or inconsistency. Our Mission and Vision statements will serve as a constant reminder of our purpose and our goals as we fulfill our oath. Our Core Values will set the parameters by which we will accomplish this mission and reach for our vision.

Respectively,

Joe Campbell

Chief of Police

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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.

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OUR BELIEFS

MISSION STATEMENT

The Nixa police department exists to enforce the laws of the United States of America, the State of Missouri and the City of Nixa. We will investigate crime and apprehend offenders. The Nixa Police Department will proactively work to prevent crime, maintain peace and serve the needs of our community.

VISION

The Nixa Police Department will endeavor to be leaders in public service. Our commitment to excellence will be the driving force in all we do. Through our efforts, we will serve our community by providing the best possible law enforcement service to the community.

CORE VALUES

Our core values are the guiding principles to which we adhere to fulfill our commitments we have pledged in our mission statement. Our core values are:

Service- The selfless concern for others

Courage- The strength to overcome our fears

Integrity- Honest moral behavior

Professionalism- Competence in our skill. Knowledge, and expertise of law enforcement

Pride- Satisfaction derived from our excellent performance

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Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

Law enforcement officers are granted the authority to perform their function based on established legal authority.

100.2 PEACE OFFICER POWERS

Commissioned members of this department shall be considered peace officers and possess a valid peace officer license pursuant to § 590.020.1, RSMo. A license is not required for licensed members who have continually held a commission as a:

- (a) Full time peace officer since December 31, 1978.
- (b) Reserve officer since August 15, 1988.

A license may not be required under the exception provided pursuant to § 590.020.1, RSMo.

The authority of a peace officer and the scope of that authority extends to any place in the State of Missouri for which his/her license is valid, and assigns the scope of his/her duty to preserving the peace within the jurisdiction in accordance with statutory limits and through all lawful means. A peace officer shall perform those duties necessary as part of the regular and permanent performance of the public power, trust or duty, including those functions that may involve the use of force and the arrest or detention of a person.

100.2.1 ARREST AUTHORITY OUTSIDE OF THE JURISDICTION OF THE NIXA POLICE DEPARTMENT

The authority of a peace officer extends to any place in the State of Missouri, as follows:

- (a) An officer of a county of the first classification is granted arrest authority pursuant to § 70.820.5, RSMo.
- (b) The officer is in fresh pursuit of a suspect pursuant to § 544.157, RSMo.
- (c) The officer sees a person using or threatening physical force involving a risk of death or physical injury to another person or is committing a dangerous felony (§ 70.820.6, RSMo).
- (d) Outside the boundaries of the City when (§ 70.820, RSMo):
 - 1. Such authority has been authorized by the governing body of the City and by the governing body of the political subdivision in which an emergency situation is occurring and by the board of police from which the officer derives his/her authority.
 - 2. The officer has a reasonable belief that an emergency situation involving a crime is about to be committed, is being committed or has been committed.

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3. The emergency situation involves injury or threat of injury to any person, property or government interest.
 4. The officer's response is reasonably necessary to prevent, end or mitigate the emergency situation.
- (e) Sheriffs and deputies responding to another county for assistance requested by that county's sheriff (§ 57.111, RSMo).

An officer making an arrest under this subsection should, as soon as practicable after making the arrest, notify the agency having jurisdiction where the arrest was made.

100.2.2 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE NIXA POLICE DEPARTMENT

The arrest authority of officers within the jurisdiction of the Nixa Police Department includes:

- (a) In compliance with an arrest warrant.
- (b) Without a warrant pursuant to the power of arrest granted by § 544.216, RSMo.

100.2.3 GRANTING AUTHORITY TO OTHERS

Officers may summon the aid of other persons when making an arrest or when attempting to secure an offender who has escaped from custody (§ 544.230, RSMo).

100.3 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

- (a) As applicable under interstate compacts and memorandums of understanding in compliance with the laws of each state.
- (b) When an officer enters Iowa, Nebraska, Oklahoma or Tennessee in fresh pursuit of a felony subject or a fugitive from justice (Iowa Code § 806.1; Nebraska Revised Statutes § 29-416; 22 O.S. § 221; T.C.A. § 40-7-203).
- (c) When an officer enters Illinois or Kansas in fresh pursuit of a subject who committed any offense (725 ILCS 5/107-4; K.S.A. § 22-2404).
- (d) When an officer enters Arkansas in fresh pursuit of a felony subject or a person who has or is reasonably suspected of having committed an offense of driving or operating a vehicle while intoxicated, impaired or under the influence (A.C.A. § 16-81-404).

Whenever an officer makes an arrest in another state, the officer shall take the offender to a magistrate or appropriate judicial officer in the county where the arrest occurred as soon as practicable (A.C.A. § 16-81-405; 725 ILCS 5/107-4; Iowa Code § 806.2; K.S.A. § 22-2404; Nebraska Revised Statutes § 29-417; 22 O.S. § 222; T.C.A. § 40-7-204).

100.4 CONSTITUTIONAL REQUIREMENTS

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

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100.5 POLICY

It is the policy of the Nixa 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.

Oath of Office

101.1 PURPOSE AND SCOPE

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

101.2 POLICY

It is the policy of the Nixa 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.

101.3 OATH OF OFFICE

All department members, when appropriate, shall take and subscribe to the oaths or affirmations applicable to their positions (Mo. Const. art. VII, § 11).

In addition, all members shall acknowledge the department's code of ethics and their responsibility to adhere to it.

101.4 MAINTENANCE OF RECORDS

The oath of office shall be filed in accordance with the established records retention schedule.

Policy Manual

102.1 PURPOSE AND SCOPE

The manual of the Nixa 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, 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, procedures, orders, and other regulations that have not been included herein shall remain in effect, provided that they do not conflict with the provisions of this manual.

[See attachment: General Order 21-01.pdf](#)

102.2 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 circumstances may arise which 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.

102.2.1 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 Nixa 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 members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. The Nixa Police Department reserves the right to revise any policy content, in whole or in part.

102.3 AUTHORITY

City Council shall be responsible for the adoption of this manual and the policies contained herein. The Chief of Police shall be tasked with implementation of this manual and the policies herein. The Chief of Police will use his or her best efforts to ensure compliance with all applicable federal, state and local laws. The Chief of Police or the authorized designee is authorized to issue General Orders, which shall modify those provisions of the manual to which they pertain. General Orders shall remain in effect until such time as they may be permanently incorporated into the manual.

102.4 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:

CFR - Code of Federal Regulations

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City - The City of Nixa.

Civilian - Employees and volunteers who are not licensed peace officers.

Commission - When not obviously referring to the Missouri Peace Officer Standards and Training (POST) Commission, means a grant of authority to act as a peace officer (§ 590.010, RSMo).

CSR - Missouri Code of State Regulations.

DHSS - Department of Health and Senior Services.

Department/NPD - The Nixa Police Department.

DPS - The Missouri Department of Public Safety.

Employee/personnel - Any person employed by the Department.

Law enforcement officer - Any public servant having both the power and duty to make arrests for violations of the laws of this state, and federal law enforcement officers authorized to carry firearms and to make arrests for violations of the laws of the United States (§ 556.061, RSMo).

Manual - The Nixa Police Department Policy Manual.

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

Member - Any person employed or appointed by the Nixa Police Department, including:

- Full- and part-time employees
- Licensed peace officers
- Reserve, auxiliary officers
- Civilian employees
- Volunteers.

MSHP - Missouri State Highway Patrol.

MULES - Missouri Uniform Law Enforcement System.

Officer - Those employees, regardless of rank, who are licensed peace officers of the Nixa Police Department.

On-duty - A member's status during the period when he/she is actually engaged in the performance of his/her assigned duties.

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

Peace officer - A law enforcement officer of the state or any political subdivision of the state with the power of arrest for a violation of the criminal code or declared or deemed to be a peace officer by state statute (§ 590.010, RSMo; § 590.020.1, RSMo). The term includes licensed full-time and reserve peace officers who perform the duties of a peace officer.

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

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RSMo - Missouri Revised Statutes.

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.

USC - United States Code.

102.5 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 General Orders. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

102.6 PERIODIC REVIEW OF THE POLICY MANUAL

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

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

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

Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

The organizational structure of the Department is designed to create an efficient means to accomplish the mission and goals and to provide for the best possible service to the public.

200.2 BUREAUS

The Chief of Police is responsible for administering and managing the Nixa Police Department. There are Two bureaus in the Police Department:

- Operations Bureau
- Support Bureau

200.2.1 OPERATIONS BUREAU

The Operations Bureau is commanded by the assigned Commander, whose primary responsibility is to provide general management, direction, and control for the Operations Bureau.

200.2.2 SUPPORT BUREAU

The Support Bureau is commanded by the assigned Commander, whose primary responsibility is to provide general management, direction, and control for the Support Bureau.

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel in the Department. Unless otherwise designated by the Chief of Police, command precedence shall be by order of rank and time on in position.

- Chief of Police
- Major / Deputy Chief of Police
- Captain
- Lieutenant
- Sergeant
- Corporal
- Investigator
- Police Officer

200.3.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Department. Generally, each employee 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

Organizational Structure and Responsibility

special assignment (e.g., Canine, SWAT), any supervisor may temporarily direct any subordinate if an operational necessity exists.

200.3.3 ORDERS

Members shall respond to and make a good faith and reasonable effort to comply with lawful orders of superior officers and other proper authority.

200.3.4 UNLAWFUL AND CONFLICTING ORDERS

No member is required to obey any order that outwardly appears to be in direct conflict with any federal law, state law or local ordinance. Following an 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 confer with a higher authority. 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 are not 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.

General Orders

201.1 PURPOSE AND SCOPE

General Orders establish interdepartmental communication that may be used by the Chief of Police to make immediate changes to policy and procedure, in accordance with the current employment agreement. General Orders will immediately modify or change and supersede sections of this manual to which they pertain.

201.1.1 GENERAL ORDERS PROTOCOL

General Orders will be incorporated into the manual, as required, upon City Council approval. General Orders will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

All existing General Orders have now been incorporated in the updated Policy Manual as of the revision date shown.

Any General Orders issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "01." For example, 12-01 signifies the first General Order for the year 2012.

Temporary General Orders that become inoperative with the passing of the incident or period for which they are written, and are not intended for nor will be included in the manual, should be tracked and acknowledged similar to policy revisions.

201.2 RESPONSIBILITIES

201.2.1 STAFF

The staff shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by a General Order.

201.2.2 CHIEF OF POLICE

The Chief of Police or the authorized designee shall issue all General Orders.

201.3 ACCEPTANCE OF GENERAL ORDERS

All employees are required to read and obtain necessary clarification of all General Orders. All employees are required to acknowledge in writing the receipt and review of any new General Order. Signed acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement will be maintained by the Training Officer.

Emergency Operations Plan

202.1 PURPOSE AND SCOPE

The City has prepared an Emergency Operations Plan for use by all employees in the event of a major disaster, civil disturbance, mass arrest or other emergency event. The plan provides for a strategic response by all employees and assigns specific responsibilities in the event the plan is activated.

The City Emergency Operations Plan complies with the State of Missouri Emergency Operations Plan (§ 44.080.1, RSMo). This plan provides guidance for City emergency operations within its borders and outside its borders as may be required.

202.2 ACTIVATING THE EMERGENCY OPERATIONS PLAN

The Emergency Operations Plan can be activated in a number of ways. For the Police Department, the Chief of Police or the highest ranking official on duty 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 Missouri State Emergency Management Agency (SEMA) to assist with mutual aid response from local, state and federal law enforcement agencies to provide requested resources to this department.

202.2.1 RECALL OF PERSONNEL

In the event that the Emergency Operations Plan is activated, all employees of the Nixa Police Department are subject to immediate recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief of Police or the authorized designee.

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

202.3 LOCATION OF THE EMERGENCY OPERATIONS PLAN

Copies of the City Emergency Operations Plan will be made available to all personnel. All supervisors should familiarize themselves with the Emergency Operations Plan and the roles personnel will play when the plan is implemented.

The State of Missouri Emergency Operations Plan and additional regional information can be found on the SEMA website at <http://sema.dps.mo.gov>.

202.4 PLAN REVIEW

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

Training

203.1 PURPOSE AND SCOPE

It is the policy of this department to administer a training program that will meet the standards of federal, state, local and Missouri Peace Officer Standards and Training (POST) Commission training requirements. It is a priority of this department to provide continuing education and training for the professional growth and progressive development of its personnel. By doing so, the Department will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the public.

203.2 PHILOSOPHY

The Department seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels and legal mandates. Whenever reasonably possible, the Department will use courses certified by the Missouri POST Commission or other regulatory or nationally recognized entities.

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 personnel.
- (c) Provide for continued professional development of department personnel.
- (d) Assist in compliance with statutory requirements.

203.4 TRAINING PLAN

It is the responsibility of the Training Officer 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 employees. The plan shall include a systematic and detailed method for recording and logging of all training for all personnel. While updates and revisions may be made to any portion of the training plan at any time it is deemed necessary, the Training Officer shall review the entire training plan on an annual basis. The plan will include information on curriculum, training material, training facilities, course and student scheduling. The plan will address the state-required, minimum-mandated training of licensed officers or hiring of civilian employees.

Training listed may be provided in basic training programs. The Training Officer is responsible for ensuring members of the Department have been trained as required.

203.4.1 MANDATED TRAINING

- (a) Federally mandated training:

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Training

1. National Incident Management System (NIMS) training (once depending upon position and rank).
- (b) State-mandated training:
 1. Licensed members of the Department must successfully complete basic preparatory training before being granted licensed status and performing the duties of a peace officer (§ 590.040, RSMo).
 - (a) The basic training requirement may be waived if the employee is eligible for commission by meeting training and licensure standards within the parameters, extensions and exceptions set by POST (§ 590.030.3, RSMo; § 590.040.1(6), RSMo).
 - (b) Licensed members of the Department shall complete no fewer than 24 hours of annual continuing education training as prescribed by POST (§ 590.050, RSMo; 11 CSR 75-15.010 et seq.).

203.4.2 DEPARTMENT TRAINING CATAGORIES

Training catagories include, but are not limited to the following:

- (a) Emergency Operations Plan
- (b) CPR/first-aid refresher
- (c) Vehicle operations
- (d) Firearms training
- (e) Defense tactics
- (f) CED, impact weapon, chemical weapon or other control devices
- (g) All use of force policies
- (h) Search, seizure and arrest
- (i) Use of body armor
- (j) Ethics

203.5 TRAINING NEEDS ASSESSMENT

The Training Unit will conduct an annual training needs assessment and complete a report of the training needs. The training needs assessment report will be provided to the Chief of Police and staff. Upon review and approval by the Chief of Police, the needs assessment will form the basis for the training plan for the following fiscal year.

203.6 TRAINING PROCEDURES

- (a) All employees assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to the following:
 1. Court appearances

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2. First choice vacation
 3. Sick leave
 4. Physical limitations preventing the employee's participation
 5. Emergency situations
- (b) When an employee is unable to attend mandatory training, that employee shall:
1. Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training. The employee will also notify the instructor or training facility of his/her absence, as necessary.
 2. Make arrangements through his/her supervisor and the Training Officer to attend the required training on an alternate date.

203.7 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the Nixa 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 Officer.

Personnel assigned to participate in DTBs shall only use login credentials assigned to them by the Training Officer. Personnel should not share their password with others and should frequently change their password to protect the security of the system. After each session, employees 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.

Employees who are assigned to participate in the DTB program should complete each DTB at the beginning of their shift or as otherwise directed by their supervisor. Employees should not allow uncompleted DTBs to build up over time. Personnel 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 active computer, employees shall only take DTBs as part of their on-duty assignment, unless directed otherwise by a supervisor.

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

203.8 TRAINING RECORDS

The Training Officer is responsible to manage and distribute training records in compliance with the Personnel Files Policy.

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203.9 FIELD TRAINING PROGRAM

The Chief of Police or his Designee shall establish a field training program for recruit peace officers that is of sufficient duration to provide for the adequate orientation and training of the new peace officer in the lawful operations of the Department. The program shall establish procedures for the selection, appointment and training of Field Training Officers (FTO) and supervisors, the daily evaluation of recruits participating in the program and the rotation of FTO personnel to provide for the objective evaluation of recruit performance.

Administrative Communications

204.1 PURPOSE AND SCOPE

Administrative communications of this department are governed by the following policies.

204.2 MEMORANDUMS

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

204.3 CORRESPONDENCE

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

204.4 SURVEYS

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

204.5 OTHER COMMUNICATIONS

General Orders and other communications necessary to ensure the effective operation of the Department shall be issued by the Chief of Police or the authorized designee.

Retiree Concealed Firearms

205.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the process and conditions associated with the issuance, denial, suspension or revocation of Nixa Police Department identification cards under the Law Enforcement Officers' Safety Act (LEOSA) and Missouri law 18 USC § 926C; § 571.030, RSMo).

205.1.1 DEFINITIONS

A qualified retired peace officer means an individual who (§ 571.030.12, RSMo):

- (a) Retired in good standing from service as an officer, other than for reasons of mental instability.
- (b) Before retirement was authorized by law to engage in or supervise law enforcement activities for any violation of law and had statutory powers of arrest.
- (c) Before retirement was regularly employed as a peace officer for an aggregate of at least 15 years or more, or
- (d) Retired from service with a service-related disability after completion of probation.
- (e) Has a non-forfeitable right to benefits under the retirement plan of the Department.
- (f) During the most recent 12-month period has met the state standard for training and qualification to carry firearms.
- (g) Is not under the influence of alcohol or other intoxicating or hallucinatory drugs or substances.
- (h) Is not prohibited by any state or federal law from receiving or possessing a firearm or under a current court order.
- (i) Has in possession photographic identification from this department.

A former peace officer is not "in good standing" if he/she was discharged for cause or resigned prior to the final disposition of allegations of misconduct.

205.2 POLICY

It is the policy of the Nixa Police Department to provide identification cards to qualified former officers as provided in this policy.

205.3 LEOSA

The Chief of Police may issue an identification card for LEOSA purposes to any qualified former 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 an officer for an aggregate of 10 years or more or, if employed as an officer for less than 10 years, separated

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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 firearm qualification certificate for reasons related to mental health.
- (e) Is not prohibited by federal law from receiving or possessing a firearm.

205.3.1 LEOSA IDENTIFICATION 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 Nixa 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.

205.3.2 AUTHORIZATION

When permitted by 18 U.S.C. 926C, any qualified former law enforcement officer, including a former officer of this department, may carry a concealed firearm when complying with the terms of said section.

205.4 FORMER OFFICER RESPONSIBILITIES

A former officer with a card issued under this policy shall immediately notify the Chief of Police 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 Employee Convictions Policy.

205.4.1 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.

Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

205.5 DENIAL, SUSPENSION OR REVOCATION

A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Department. In the event that an identification card is denied, suspended or

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revoked, the former officer may request a review by the Chief of Police. The decision of the Chief of Police is final.

205.6 FIREARM QUALIFICATIONS

The Rangemaster may provide or former officers from this department an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Rangemaster will maintain a record of the qualifications and weapons used.

The course standards shall meet any relevant standards that may be established by the Department of Public Safety (§ 650.030, RSMo).

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 Techniques 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 Nixa 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.

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Use of Force

300.2.1 DUTY TO INTERCEDE 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, intercede 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.

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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 USE OF FORCE TO EFFECT AN ARREST

An officer may use reasonable force when the officer reasonably believes such force is immediately necessary to effect an arrest or to prevent an escape from custody (§ 563.046, RSMo).

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300.3.2 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.
- (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.

300.3.3 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.

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- (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.

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 Nixa 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).

300.3.6 RESPIRATORY RESTRAINTS

The use of a respiratory restraint, also known as a chokehold, is limited to circumstances where deadly force is authorized and if applied, is subject to the same guidelines and requirements as a carotid control hold (§ 590.805, RSMo).

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

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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.

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.

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.

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 Conductive Electrical Weapon 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.

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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 he/she 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.

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 (sometimes called "excited delirium"), 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:

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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.
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 SUPERVISOR RESPONSIBILITY

The Shift Supervisor shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

300.7.2 ADDITIONAL SHIFT SUPERVISOR RESPONSIBILITY

The Shift Supervisor should ensure that the Records Clerk is provided with enough information to meet the use of force reporting requirements of the Missouri Department of Public Safety (§ 590.1265, RSMo). See the Records Unit Policy for additional guidelines.

300.8 TRAINING

Officers will receive periodic training on 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.

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300.9 USE OF FORCE ANALYSIS

At least annually, the Operations Bureau 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.

Handcuffing and Restraints

301.1 PURPOSE AND SCOPE

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

301.2 POLICY

The Nixa 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.

301.3 USE OF RESTRAINTS

Only members who have successfully completed Nixa 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.

301.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain an individual 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 assure 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.

301.3.2 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.

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.

301.3.3 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.

301.3.4 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 subject (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during transportation to the jail.

301.4 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 checked for proper fit and 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 individual 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.

301.5 APPLICATION OF SPIT HOODS

Spit hoods/masks/socks are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) 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 hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers should provide assistance

Handcuffing and Restraints

during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual. Officers should avoid commingling individuals 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 capicum (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.

301.6 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.

301.7 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 suspect.
- (b) Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., hitting his/her head against the interior of the patrol unit, 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 unit).

301.7.1 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.

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- (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 seat 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 ambulance/paramedic unit, 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 subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

301.8 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.

301.9 TRAINING

Subject to available resources, the Training Officer 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.

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- (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 and Techniques

302.1 PURPOSE AND SCOPE

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

302.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Nixa Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

302.3 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 officers 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 subject 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.

When using control devices, officers should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

302.4 RESPONSIBILITIES

302.4.1 SHIFT SUPERVISOR RESPONSIBILITIES

The Shift Supervisor may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

302.4.2 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various 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 designated instructor for disposition. Written documentation shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

Control Devices and Techniques

302.5 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 the officer 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 assignment or at the direction of their supervisor.

302.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Tactical Team Commander, Tactical Team Leader or Designee 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 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.

302.7 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups 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 officers or the public.

302.7.1 OC SPRAY

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

302.7.2 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 not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of great bodily harm 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 the suspect 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.

Control Devices and Techniques

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, 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 and product demonstrations, is exempt from the reporting requirement.

302.7.3 TREATMENT FOR OC SPRAY 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 persons who complain of further severe effects shall be examined by appropriate medical personnel.

302.8 POST-APPLICATION NOTICE

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

302.9 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.

302.9.1 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 subjects 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.
- (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 people and/or officers.
- (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.

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302.9.2 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 subject 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.

302.9.3 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 the shotgun and projectiles at the time of checkout to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects.

When it is not deployed, the shotgun will be unloaded and properly and securely stored. When deploying the kinetic energy projectile shotgun, the officer shall visually 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.

Control Devices and Techniques

302.10 TRAINING FOR CONTROL DEVICES

The Training Officer shall ensure that all personnel 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 officer's training file.
- (c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

302.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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

Conducted Energy Device

303.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of Conductive Electrical Weapons.

303.2 POLICY

The CED is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

303.3 ISSUANCE AND CARRYING CEDS

Only members who have successfully completed department-approved training may be issued and carry the CED.

CEDs 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's inventory.

Officers shall only use the CED and cartridges that have been issued by the Department. Uniformed officers who have been issued the CED shall wear the device in an approved holster on their person. Non-uniformed officers may secure the CED in a locked compartment in their vehicle.

Members carrying the CED should perform a spark test on the unit prior to every shift.

When carried while in uniform, officers shall carry the CED in a support side holster on the side opposite the duty weapon.

- (a) All CEDs 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 CED.
- (c) Officers shall be responsible for ensuring that their issued CED is properly maintained and in good working order.
- (d) Officers should not hold both a firearm and the CED at the same time.

303.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the CED 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 CED may be deployed.

If, after a verbal warning, an individual is unwilling 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 required to, display the electrical arc (provided that a cartridge has not been loaded into

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the device, or the device is capable of arcing with a cartridge loaded), or the laser in a further attempt to gain compliance prior to the application of the CED. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

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 CED in the related report.

303.5 USE OF THE CED

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

303.5.1 APPLICATION OF THE CED

The CED 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:

- (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 CED to apprehend an individual.

303.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the CED on certain individuals should generally 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 capicum (OC) spray.
- (f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Because the application of the CED in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited

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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.

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

303.5.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the CED 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.

303.5.4 MULTIPLE APPLICATIONS OF THE CED

Officers should apply the CED for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the CED against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

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

- (a) Whether the probes are making proper contact.
- (b) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (c) Whether verbal commands, other options or tactics may be more effective.

Officers should generally not intentionally apply more than one CED at a time against a single subject.

303.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers shall notify a supervisor of all CED discharges. 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.

303.5.6 DANGEROUS ANIMALS

The CED 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.

303.5.7 OFF-DUTY CONSIDERATIONS

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

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Officers shall ensure that CEDs 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.

303.6 DOCUMENTATION

Officers shall document all CED discharges. Notification shall also be made to a supervisor in compliance with the Use of Force Policy.

303.6.1 CED SECTION OF USE OF FORCE FORM

Items that shall be included in the CED report form are:

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

The CED Instructor should also conduct audits of data downloads and reconcile CED report forms with recorded activations. CED information and statistics, with identifying information removed, should periodically be made available to the public.

303.6.2 REPORTS

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

- (a) Identification of all personnel firing CEDs
- (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

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303.7 MEDICAL TREATMENT

A CED certified officer or on sight medical personnel shall remove the CED probes from a person's body. This should be done only after the officer first takes appropriate body substance isolation precautions. In case of soft body impalements, (i.e. groin, eye or neck), the subject should be taken to an appropriate medical facility for removal. Used CED 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 CED probes or who have been subjected to the electric discharge of the device shall be medically assessed as soon as it is safe and practical to do so. 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 CED 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.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the CED.

303.8 SUPERVISOR RESPONSIBILITIES

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

A supervisor should review each incident where a person has been exposed to an activation of the CED. The device's onboard memory should be downloaded through the data port by a supervisor or CED Instructor and saved. Supervisors should also ensure photographs of probe sites are taken and witnesses interviewed.

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303.9 TRAINING

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

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

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

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

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

Application of CEDs during training could result in injury to personnel and should not be mandatory for certification.

The Training Officer should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing support 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.
- (e) Handcuffing a subject during the application of the CED and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the CED.

Officer-Involved Shootings and Deaths

304.1 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 other action of an officer.

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.

304.2 POLICY

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

304.3 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.

304.4 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.

304.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

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

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.

Officer-Involved Shootings and Deaths

304.4.2 CRIMINAL INVESTIGATION 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.

304.4.3 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.

304.5 INVESTIGATION PROCESS

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

304.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved NPD 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.

304.5.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved NPD 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 NPD 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 scene, identity of known or potential witnesses and any other pertinent information.

Officer-Involved Shootings and Deaths

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 Supervisor and the Communications Center. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional NPD 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 NPD officer should be given an administrative order not to discuss the incident with other involved officers or NPD 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.

304.5.3 SHIFT SUPERVISOR RESPONSIBILITIES

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

304.5.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Bureau Commander(s)
- Outside agency investigators (if appropriate)
- Psychological/peer support personnel
- Chaplain
- Coroner (if necessary)
- Public Information Officer

304.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal representation will be accommodated.
 1. Involved NPD 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-NPD officers should be referred to their employing agency.

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- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information.
- (d) A licensed psychotherapist shall be provided by the Department to each involved NPD officer. A licensed psychotherapist may also be provided to any other affected NPD 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, 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).
- (e) Communications with a peer support specialist will be considered privileged to the extent provided in § 590.1040, RSMo. However, peer support specialists are still cautioned against discussing the facts of any incident with an involved or witness officer.

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

304.6 CRIMINAL INVESTIGATION

The Chief of Police is responsible for determining the agency conducting the criminal investigation into the circumstances of any officer-involved shooting or death.

If available, investigative personnel from this department may be assigned to partner with investigators from outside agencies to avoid duplicating efforts in related criminal investigations.

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) NPD supervisors and Professional Standards Unit personnel should not participate directly in any voluntary interview of NPD 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

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statement, involved officers 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.

304.6.1 REPORTS BY INVOLVED NPD OFFICERS

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

While the involved NPD 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 NPD 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.

304.6.2 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

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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.

304.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Criminal Investigations supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators may be assigned to work with investigators from the investigating agency and may be assigned to separately handle the investigation of any related crimes not being investigated by the primary investigating agency.

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

304.7 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 NPD officers to determine conformance with department policy. This investigation will be conducted under the supervision of the Professional Standards Unit 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.

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- (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.
 - 5. The Professional Standards Unit shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
 - 6. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

304.8 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.

304.9 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.

Any MAV, body-worn 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.

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304.10 DEBRIEFING

Following an officer-involved shooting or death, the Nixa Police Department may conduct both a critical incident/stress debriefing and a tactical debriefing.

304.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing should occur as soon as practicable. 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 can include support personnel (e.g., telecommunicators, other non-sworn). Family or other support personnel may attend with the concurrence of those 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 Professional Standards Unit personnel.

304.10.2 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 criminal and/or administrative investigators.

304.11 MEDIA RELATIONS

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

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

Duty Firearms

305.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing duty firearms, duty firearms maintenance and documentation of training in the use of duty firearms. The Chief of Police or his designee shall approve all duty firearms before they are utilized by any member of this department.

This policy does not apply to issues related to the use of firearms 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.

305.1.1 AUTHORIZATION TO CARRY FIREARMS

Only licensed personnel who have met all state and Missouri Peace Officer Standards and Training (POST) requirements and have been commissioned by the Chief of Police shall have the peace officer privilege to carry a firearm both on- and off-duty (§ 571.030.2(1), RSMo).

305.2 POLICY

The Nixa 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.

305.2.1 DEFINITIONS

Firearms Maintenance Personnel - Personnel certified as an armorer or gunsmith in the repair of the specific firearm and approved by the Lead Rangemaster.

Lead Rangemaster - Personnel certified to conduct firearms / range training and activities who is assigned by the Chief of Police to oversee the departments firearms / range training, activities, the authorized department Rangemasters and the Firearms Maintenance Personnel.

Rangemaster - Personnel certified to conduct firearms / range training and activities as authorized by the Lead Rangemaster.

Safety Officer - Personnel assigned by a Rangemaster or Lead Rangemaster to help ensure that all safety rules are followed at all times.

305.3 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 Rangemaster. Except in an emergency or as directed by 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 while on-duty.

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without the express written authorization by the Chief of Police or his designee. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

305.3.1 HANDGUNS

Authorized Handguns - Only department owned and issued handguns may be carried as primary handguns while on duty.

305.3.1 PATROL RIFLES

Authorized Patrol Rifles - A department owned and issued rifle.

- (a) Only one department owned and issued or one personally owned patrol rifle shall be authorized and carried at any given time.

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.
- (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.

When not deployed, the patrol rifle shall be properly secured consistent with department training in a weapons compartment in the patrol vehicle.

305.3.2 PERSONALLY OWNED PATROL RIFLE

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

- (a) The firearm shall be in good working order.
- (b) Only one department owned and issued or one personally owned patrol rifle shall be authorized and carried at any given time.
- (c) The purchase of the patrol rifle and ammunition shall be the responsibility of the member.
- (d) Ammunition shall be the same as department issue.
- (e) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule.

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Members must demonstrate proficiency and safe handling, and that the firearm functions properly.

- (f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

305.3.3 PERSONALLY OWNED SECONDARY HANDGUN

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

- (a) The handgun shall be in good working order.
- (b) Only one secondary handgun shall be authorized and carried at any given time.
- (c) The purchase of the handgun and ammunition shall be the responsibility of the member.
- (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) 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. Ammunition from the following companies is authorized for secondary handguns: Federal, Speer, Hornady, CCI, PMC and Fiocchi.
- (f) 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.
- (g) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Rangemaster, who will maintain a list of the information.

305.3.4 AMMUNITION

Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition annually 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 Rangemaster 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.

305.4 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.

Duty Firearms

305.4.1 REPAIRS OR MODIFICATIONS

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

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 Rangemaster.

Any repairs or modifications to the member's personally owned firearm approved for department use shall be done at his/her expense and must be approved by the Rangemaster. The Rangemaster must be notified and member is subject to requalification.

305.4.2 HOLSTERS

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.

305.4.3 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm authorized for duty use after they have been examined and approved by the Rangemaster. Any approved sight shall only 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.

If optic is removed a Rangemaster must be notified and member is subject to requalification.

305.5 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 Rangemaster.
- (c) Members shall not clean or repair a firearm anywhere in the Department, unless weapon is properly cleared in a safe manner.
- (d) 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.
- (e) Any firearm authorized by the Department to be carried on duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried.

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The Department or a Rangemaster approved by the Department shall be promptly notified. Any firearm deemed in need of repair or service by the Rangemaster 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.

305.5.1 INSPECTION AND STORAGE

Firearms shall be inspected by members regularly and upon access or possession by another person. Firearms 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. All firearms shall be pointed in a safe direction.

Firearms may be safely stored in lockers at the end of the shift. Firearms may be stored in the appropriate equipment storage room or handguns may remain loaded if they are secured in an appropriate holster.

305.5.2 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 should be aware that negligent storage of a firearm could result in civil liability.

305.5.3 ALCOHOL AND DRUGS

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

305.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a duty handgun are required to qualify semiannually with the duty handgun and duty patrol rifle.

All members carrying a secondary firearm are required to qualify at least once annually.

Training and qualifications must be on a range course approved by the Rangemaster. Qualification scores will be designated as either pass/fail based on a numerical score of no less than 80% to pass.

305.6.1 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 notify his/her immediate supervisor prior to the end of the required training or qualification date.

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.

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- (b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- (c) No range credit will be given for the following:
 - (a) Unauthorized range make-up
 - (b) 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.

305.7 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a department-issued 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 Bureau Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
- (b) If off-duty at the time of the incident, a written report shall be submitted or a recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

305.7.1 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, Conductive Electrical Weapon, 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.

305.7.2 INJURED ANIMALS

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.

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305.7.3 SHOTS SUMMONING AID

Generally, shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they appear necessary, effective and reasonably safe.

305.8 RANGEMASTER DUTIES

The range will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the range and will submit the roster to the Training Officer after each range date. Failure of any member to sign in and out with the Rangemaster 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 Rangemaster 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 Rangemaster 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 Rangemaster.

The Rangemaster has the responsibility for ensuring each member meets the minimum requirements during training shoots and, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry while on-duty.

The Rangemaster shall complete and submit to the Training Officer 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 Rangemaster should keep accurate records of all qualifications, repairs or maintenance of authorized duty firearms.

305.9 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 Nixa Police Department identification card whenever carrying such firearm.
- (b) The officer is not 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,

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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.

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

305.10 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 Nixa 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 license, passport).
- (c) The Nixa Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Nixa 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.

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- (i) Officers should try to resolve any problems associated with flying armed 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.

Vehicle Pursuits

306.1 PURPOSE AND SCOPE

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

306.1.1 DEFINITIONS

Definitions related to this policy include:

Vehicle pursuit - An event involving one or more peace officers attempting to apprehend a suspect who is trying to avoid arrest while operating a vehicle by using high speed or other evasive tactics, such as disregarding traffic warning signs, stop signs, red lights, driving off a roadway, turning suddenly or driving in a legal manner but willfully failing to yield to an officer's signal to stop.

Blocking or vehicle intercept - A slow-speed coordinated maneuver where two or more law enforcement vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop. 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 violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

Imminent Danger - A situation that places the officer or others in immediate danger of death or serious bodily injury.

Pursuit Intervention Technique (PIT) - A low-speed maneuver intended to terminate the pursuit by causing the violator's vehicle to spin out and come to a stop.

Ramming - The deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop.

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

Tire deflation device, spikes or tack strips - A device that extends across the roadway and is designed to puncture the tires of the pursued vehicle.

Violent Felony - A felony where the potential for serious bodily injury or death to the victim was demonstrated by the suspect(s) during the commission of the crime.

306.2 POLICY

This department's response to those who unlawfully flee from law enforcement action shall stress a common sense balance between the importance of apprehending offenders and the high risk nature of vehicle pursuits.

Vehicle Pursuits

306.3 OFFICER RESPONSIBILITIES

A vehicle pursuit shall be conducted using an authorized emergency vehicle that is equipped with and using as reasonably necessary, a siren and at least one lighted front red light (§ 304.022, RSMo). The officer/deputy may, when in pursuit of a suspect (§ 304.022, RSMo):

- Proceed past a red light, stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
- Exceed the speed limit so long as the officer does not endanger life or property.
- Disregard regulations governing direction of movement or turning in specified directions so long as the officer does not endanger life or property.

Officers shall drive with due regard for the safety of all persons.

306.3.1 WHEN TO INITIATE A PURSUIT

Initiation of a Pursuit

- (a) Officers may initiate a pursuit when they have a reasonable belief that the fleeing suspect has committed or attempted to commit a violent felony. A pursuit may also be initiated on a DWI where the driver is presenting an imminent danger to the officer or others. The probable cause for the initiation of the pursuit of a DWI must be specific to the charge. The decision to initiate pursuit must be based on the pursuing officer's conclusion that the immediate danger to the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.
- (b) Pursuits of motorcycles shall not be initiated unless the severity of the offense outweighs the potential hazards associated with the pursuit.
- (c) Information developed or discovered after the pursuit cannot be used to justify the pursuit itself.
- (d) In the absence of a field supervisor or shift supervisor, the primary pursuing officer will assume that position.

Factors that shall be considered, both individually and collectively, when deciding to initiate or continue a pursuit include:

- (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 apparent nature of the fleeing suspect (e.g., whether the suspect presents an imminent danger to the officer or others).
- (d) The identity of the suspect has been verified and there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (e) 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.

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- (f) The pursuing officer's familiarity with the area of the pursuit, the quality of radio communication between the pursuing units and the dispatcher/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (g) The weather, traffic and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.
- (h) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.
- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (k) The availability of other resources, such as aircraft assistance.
- (l) The police unit is carrying passengers other than on-duty police officers. Pursuits should not be undertaken with a prisoner 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 prisoner in transport. A unit containing more than a single prisoner should not participate in a pursuit.

306.3.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be discontinued 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 risk of continuing the pursuit reasonably appears to outweigh the risk resulting from the suspect's escape.

- (a) The decision not to pursue or to abandon a pursuit may be the most intelligent course of action. An officer will not be criticized for this decision to terminate a pursuit.

The above factors on when to initiate a pursuit are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate 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 the context of this policy, the term "terminate" shall be construed to mean to discontinue or to stop chasing the fleeing vehicle.

In addition to the factors listed above, the following factors should be considered when deciding whether to terminate a pursuit:

- (a) The distance between the pursuing officers 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 officer's pursuit vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
- (d) The pursuit vehicle has an emergency equipment failure that causes the vehicle to no longer qualify for emergency operation use.

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- (e) The hazards to uninvolved bystanders or motorists.
- (f) When the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time.
- (g) When directed to terminate the pursuit by a supervisor.

306.4 PURSUIT UNITS

Pursuit units should be limited to three vehicles (two units and a supervisor). However, the number of units involved will vary with the circumstances.

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

Distinctively marked patrol vehicles should replace unmarked vehicles involved in a pursuit whenever practicable.

306.4.1 MOTORCYCLE OFFICERS

A distinctively marked patrol vehicle equipped with emergency overhead lighting should replace a police motorcycle as primary and/or secondary pursuit unit as soon as practicable.

306.4.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Vehicles not equipped with a red emergency light and siren are prohibited from initiating or joining in any pursuit. Officers in such vehicles may provide support to pursuing units as long as the vehicle is operated in compliance with all traffic laws.

306.4.3 PRIMARY UNIT RESPONSIBILITIES

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

The primary unit should notify the Communications Center, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable, provide information which includes:

- (a) The reason for the pursuit.
- (b) The location and direction of travel.
- (c) The speed of the fleeing vehicle.
- (d) The description of the fleeing vehicle and license number, if known.
- (e) The number of occupants.

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- (f) The identity or description of the known occupants.
- (g) The weather, road and traffic conditions.
- (h) The identity of other agencies involved in the pursuit.
- (i) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

Unless relieved by a supervisor or secondary unit, the officer in the primary unit shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary unit should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft joining the pursuit to minimize distractions and allow the primary unit to concentrate foremost on safe pursuit tactics.

306.4.4 SECONDARY UNIT RESPONSIBILITIES

The second officer in the pursuit is responsible for:

- (a) Immediately notifying the dispatcher of his/her entry into the pursuit.
- (b) Remaining at a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit.
- (c) Broadcasting the progress of the pursuit unless the situation indicates otherwise.
- (d) Serving as backup to the primary unit once the subject has been stopped.

306.4.5 PURSUIT DRIVING TACTICS

The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units 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 maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:
 - 1. Available units 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 units shall exercise due caution and slow down as may be necessary for safe operation when proceeding through controlled intersections.
- (c) As a general rule, officers should not pursue a vehicle driving the wrong way on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered:
 - 1. Requesting assistance from an available air unit.
 - 2. Maintaining visual contact with the pursued vehicle by paralleling on the correct side of the roadway.
 - 3. Requesting other units to observe exits available to the suspect.

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- (d) Notifying the Missouri State Highway Patrol or other law enforcement agency if it appears the pursuit may enter their jurisdiction (§ 544.157, RSMo).
- (e) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit and a clear understanding of the maneuver process exists between the involved officers.

306.4.6 TACTICS/PROCEDURES FOR UNITS NOT DIRECTLY INVOLVED IN THE PURSUIT

There should be no paralleling of the pursuit route. 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. Officers should not become directly involved with the pursuit unless directed otherwise by a supervisor.

Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road.

The primary unit, secondary unit and supervisor should be the only units operating under emergency conditions (emergency lights and siren) unless other units are assigned to the pursuit.

306.4.7 PURSUIT TRAILING

In the event that the initiating unit from this agency relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a supervisor, trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspect.

The term "trail" means to follow the path of the pursuit at a safe speed, while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient distance from the pursuit units to clearly indicate an absence of participation in the pursuit.

306.5 SUPERVISORY CONTROL AND RESPONSIBILITIES

It is the policy of this department that available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department (§ 304.022, RSMo).

The field supervisor of the officer initiating the pursuit, or if unavailable, the nearest field supervisor will be responsible for the following:

- (a) Upon becoming aware of a pursuit, immediately notifying involved officers and the Communications Center of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order 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 number of required law enforcement units needed are involved in the pursuit under the guidelines set forth in this policy.

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- (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 aircraft assistance is requested, if available.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring that outside agencies are notified and/or coordinated if the pursuit either leaves or is likely to leave the jurisdiction of this agency.
- (i) Controlling and managing NPD units when a pursuit enters another jurisdiction.
- (j) Preparing a post-pursuit critique and analysis of the pursuit for training purposes.

306.5.1 SHIFT SUPERVISOR RESPONSIBILITIES

Upon becoming aware that a pursuit has been initiated, the Shift Supervisor should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Shift Supervisor has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command.

The Shift Supervisor shall review all pertinent reports for content and forward them to the Bureau Commander through the chain of command.

306.6 COMMUNICATIONS

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 communications dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved units should, whenever available, switch radio communications to an emergency channel most accessible by participating agencies and units.

306.6.0 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating the vehicle. The primary unit will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

306.7 INTERJURISDICTIONAL CONSIDERATIONS

An officer may only initiate a pursuit while within the jurisdiction of this department. If an officer begins a pursuit in this jurisdiction, the officer may pursue into another jurisdiction any of the following suspected offenders (§ 544.157, RSMo):

- (a) A person suspected of committing a felony in this state
- (b) A person suspected of committing, or attempting to commit, in the presence of the officer, any criminal offense or violation of a municipal or county ordinance
- (c) A person for whom the officer holds a warrant of arrest for a criminal offense

When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration the distance traveled, unfamiliarity with the area and other pertinent facts,

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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 officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

A pursuit that has commenced within, and has continued outside, the jurisdiction of this department shall be terminated once the pursuing officer has lost contact with the person being pursued (§ 544.157, RSMo).

306.7.1 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the agency whose peace officers are in pursuit. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this department may join the pursuit until sufficient units from the initiating agency join the pursuit with supervisor approval.

When a request is made for this department to assist or take over a pursuit that has entered this jurisdiction, the supervisor should consider these additional factors:

- (a) Ability to maintain the pursuit
- (b) Circumstances serious enough to continue the pursuit
- (c) Adequate staffing to continue the pursuit
- (d) The public's safety within this jurisdiction
- (e) Safety of the pursuing officers

As soon as practicable, a supervisor or the Shift Supervisor should review a request for assistance from another agency. The Shift Supervisor or supervisor, after consideration of the above factors, may decline to assist in or assume the other agency's pursuit.

Assistance to a pursuing outside agency must be conducted using guidelines established in this policy insofar as practicable by officers of this department and will terminate at the City limits provided that the pursuing peace officers have sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

- (a) At a minimum, the deployment of tire deflation device, spikes or tack strips may be authorized by the supervisor to assist outside agencies even if the pursuit does not meet department procedures for being directly involved in the pursuit.

In the event that a pursuit from another agency terminates within this jurisdiction, officers shall provide appropriate assistance to peace officers from the initiating agency and other involved agencies including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

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306.8 PURSUIT INTERVENTION

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a vehicle through tactical application of technology, tire deflation devices, blocking, boxing in, PIT, ramming or roadblock procedures.

306.8.1 WHEN USE IS AUTHORIZED

Whenever practicable, an officer shall seek approval from a supervisor before employing a pursuit intervention tactic. 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.

306.8.2 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.

306.8.3 INTERVENTION STANDARDS

Any pursuit 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 department 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 violent felony suspects or a DWI where the driver is presenting an imminent danger to the officer or others, 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 risk involved, this technique should only be employed by officers who have received training in such tactics 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 other members of the public.
 - 2. All other reasonable intervention techniques have failed or reasonably appear ineffective.
 - 3. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.
 - 4. The target vehicle is stopped or traveling at a low speed.
 - 5. At no time should civilian vehicles be used to deploy this technique.

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- (b) Only those officers trained in the use of the PIT will be authorized to use this procedure and only then with approval of a supervisor upon consideration of the circumstances and conditions presented at the time, including the potential for 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. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method. This policy is an administrative guide to direct officers in their decision-making process before ramming another vehicle. When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:
 - 1. It is believed that the fleeing suspect has committed or attempted to commit a violent felony where the driver is presenting an imminent danger to the officer or others if not apprehend.
 - 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. 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.
- (d) As with all intervention techniques, pursuing officers should obtain supervisor approval before attempting to box in a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, 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.
- (e) Tire deflation devices should be deployed only when it is reasonably apparent that only the pursued vehicle will be affected by their use. Prior to the deployment of spike strips, the officer shall notify pursuing units and the supervisor of the intent and location. Officers should carefully consider the limitations of such devices as well as the potential risk to officers, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials or a school bus transporting children, officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.
- (f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor. If roadblocks are deployed, it should only be done under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risk of injury or death to occupants of the pursued vehicle, officers or other members of the public.

306.8.4 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 under the circumstances to properly perform their lawful duties.

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Unless relieved by a supervisor, the primary 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 to contain and capture the suspect.

306.9 REPORTING AND REVIEW REQUIREMENTS

The supervisor will ensure a complete report is made of the pursuit by all officers involved to include all related reports, videos, photos, radio traffic, and other necessary documentation as applicable and in compliance with local and state regulations.

- (a) After first obtaining the available information, the on-duty field supervisor shall promptly ensure the major incident notification has been completed followed by an interoffice memorandum, briefly summarizing the pursuit through the chain of command to the Chief of Police or the authorized designee. This memo should minimally contain the following information:
 - 1. Date and time of pursuit. Include CFS #, call type and incident #
 - 2. Length of pursuit in distance and time
 - 3. Involved units and involved officers
 - 4. Initial reason and circumstances surrounding the pursuit
 - 5. Starting and termination points
 - 6. Alleged offenses or disposition (e.g., arrest, citation or other release)
 - 7. Arrestee information should be provided if applicable (# of arrest, male, female, ages, where they are from)
 - 8. Injuries and/or property damage to anyone or any property
 - 9. Medical treatment
 - 10. The outcome of the pursuit
 - 11. Name of supervisor handling or at the scene
- (b) After receiving copies of reports, logs and other pertinent information, the Bureau Commander or the authorized designee shall conduct or assign the completion of a post-pursuit review as appropriate and report his findings through the chain of command to the Chief of Police.
- (c) Annually, the Bureau Commander should direct a documented review and analysis of department vehicle pursuits to minimally include policy suitability, policy compliance and training needs. This review and analysis will be forwarded through the chain of command to the Chief of Police.

306.9.1 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all licensed employees will participate, no less than annually, in regular and periodic training addressing this policy and the importance of vehicle safety and protecting the public at all times. Training will include a recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others.

Officer Response to Calls

307.1 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to all emergency and non-emergency situations.

307.2 RESPONSE TO CALLS

Officers responding to an emergency call shall proceed immediately. Officers shall continuously sound the siren and operate emergency lighting equipment as reasonably necessary (§ 300.100.3, RSMo; § 304.022.5(3), RSMo).

Responding with emergency lights and siren does not relieve an officer of the duty to drive with due regard for the safety of all persons and property and does not protect the officer from the consequences of reckless disregard for the safety of others. The use of any other warning equipment without emergency lights and siren does not generally provide an exemption from the vehicle laws (§ 300.100.4, RSMo).

Officers should only respond to a call as an emergency response when so dispatched or when responding to circumstances the officer reasonably believes involves the potential for immediate danger to persons or property. 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 (§ 300.095, RSMo; § 304.022.5(1), RSMo).

307.3 REQUESTING EMERGENCY ASSISTANCE

Officers may request emergency assistance when they reasonably believe that there is an imminent threat to the safety of officers, or assistance is needed to prevent imminent serious harm to a citizen.

If circumstances permit, the requesting officer should give the following information:

- The unit number
- The location
- The reason for the request and type of emergency
- The number of units required

Where a situation has stabilized and emergency response is not required, the requesting officer shall promptly notify the Communications Center.

307.3.1 NUMBER OF UNITS PARTICIPATING

Normally, only those units reasonably necessary should respond to a call with an emergency response. The Shift Supervisor or the field supervisor should monitor all emergency responses and reduce or enhance the response as warranted.

Officer Response to Calls

307.4 INITIATING EMERGENCY CALL RESPONSE

If an officer believes an emergency response to any call is appropriate, the officer shall immediately notify the Communications Center. An emergency response of more than one unit should initiate notification of and coordination by the Communications Center to avoid any unanticipated intersecting of response routes.

307.5 RESPONSIBILITIES OF THE RESPONDING OFFICER

Officers shall exercise sound judgment and care with due regard for life and property when responding to a call with an emergency response. During a call involving an emergency response officers may (§ 300.100.2, RSMo; § 304.022.5, RSMo):

- (a) Disregard regulations governing parking or standing when using a warning lamp.
- (b) Proceed past a red light, stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
- (c) Exceed any speed limits provided this does not endanger life or property.
- (d) Disregard regulations governing direction of movement or turning in specified directions.

The decision to continue as an emergency response is at the discretion of the officer. If, in the officer's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of red lights and siren at the legal speed limit. In such an event, the officer should immediately notify the Communications Center. An officer shall also discontinue an emergency response when directed by a supervisor or as otherwise appropriate.

Upon determining that an emergency response is appropriate, an officer shall immediately give the location from which he/she is responding.

The first officer arriving at an emergency response scene should determine whether to increase or reduce the level of the response and notify the Communications Center of their determination. Any subsequent change in the appropriate response level should be communicated to the Communications Center by the officer in charge of the scene unless a supervisor assumes this responsibility.

307.6 SUPERVISORY RESPONSIBILITIES

Upon being notified that an emergency response has been initiated, the Shift Supervisor or the field supervisor shall verify the following:

- (a) The proper response has been initiated.
- (b) No more than those units reasonably necessary under the circumstances are involved in the response.
- (c) Affected outside jurisdictions are being notified as practicable.

Officer Response to Calls

The field supervisor shall, whenever practicable, monitor the response until it has been stabilized or terminated, and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional units 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 Supervisor or the field supervisor should consider the following:

- The type of call or crime involved
- The necessity of a timely response
- Traffic and roadway conditions
- The location of the responding units

307.7 FAILURE OF EMERGENCY EQUIPMENT

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 Supervisor, field supervisor or the Communications Center of the equipment failure so that another unit may be assigned to the emergency response.

Police Service Dogs (PSD)

308.1 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.

308.2 POLICY

To utilize the Police Service Dogs superior sense of smell, hearing, and physical apprehension capabilities to assist law enforcement personnel in the performance of their duties. The use of the Police Service Dog requires adherence to procedures that properly control their use of force potential and direct their specialized capabilities into legally acceptable crime prevention and control activities

308.3 DEFINITIONS

Engage – Police Service Dog bite.

PSD – Police Service Dog(s)

PSD Team – An officer handler and his assigned police canine.

308.4 CANINE COORDINATOR

The Canine Coordinator shall be appointed by the Chief of Police and directly responsible to the Support Bureau Commander or the authorized designee.

The responsibilities of the Canine Coordinator include, but are not limited to:

1. Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.
2. Maintaining a liaison with the vendor kennel.
3. Maintaining a liaison with command staff and functional supervisors.
4. Maintaining a liaison with other agency canine coordinators.
5. Maintaining accurate records to document canine activities.
6. Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.
7. Scheduling all canine-related activities.
8. Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

308.5 PROCEDURE

1. A PSD team shall be available, subject to call out. A PSD may be used for the following purposes:

Police Service Dogs (PSD)

1. To detect the presence of concealed narcotics;
 2. To conduct building searches for offenders in hiding;
 3. Assist in the arrest or prevent the escape of serious or violent offenders;
 4. Protect officers or others from injury;
 5. Track suspects;
 6. Locate lost or missing persons;
 7. Locate hidden objects or evidence of crime.
2. PSD teams will be assigned to the Support Bureau under the supervision of the Canine Coordinator.
 1. The Canine Coordinator will be responsible for day-to-day operational issues to include annual evaluations, training and equipment needs, care and maintenance concerns, leave requests, disciplinary issues, and assignments.
 3. The PSD should not be handled or given commands by anyone other than its assigned handler.
 1. If an on-duty handler is injured or otherwise unable to command their PSD, another PSD handler should be called to the scene to take custody of the dog.
 4. Requests for use of PSD Teams
 1. Officers requesting an on-duty PSD team may contact the PSD handler directly
 2. Requests from other law enforcement agencies will go through the handler who will be responsible for notifying their supervisor at the most suitable opportunity.
 3. All requests for canine assistance from outside agencies subject to the following:
 - (a) PSD 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) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
 - (d) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.
 5. The handler must ensure the canine is well-rested and healthy before responding to any requested service.
 1. In the event, the canine is unavailable for service notification shall be made to the Canine Coordinator or designee.
 6. PSD Handler Uniform
 1. The uniform of the day will be the Class C Uniform or Class B Uniform.
 2. PSD handlers will wear the Class B Uniform when working without their canines

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Police Service Dogs (PSD)

308.5.1 PUBLIC DEMONSTRATIONS

All public requests for a canine team shall be reviewed and, if appropriate, approved by the Support Bureau Commander 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 Support Bureau Commander.

308.6 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards. 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.

PSD teams shall participate in PSD in-service maintenance training a minimum of two shifts per month unless the canine coordinator approves the absence.

PSD Teams will be required to re-certify on an annual basis.

All canine training shall be conducted while on-duty unless otherwise approved by the canine coordinator.

All PSD-related training shall be documented via the department approved system.

308.6.1 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.

308.6.2 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 (21 USC § 823(f); § 195.030, RSMo; § 195.050, RSMo).

The Chief of Police or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Nixa 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.

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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.

308.6.3 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 Nixa Police Department may work with outside trainers with the applicable licenses or permits.

308.7 DRUG TRAINING AIDS

1. The Canine Coordinator shall be responsible for ensuring the procurement of drug training aids from DEA and shall ensure the unit's DEA and State of Missouri registration numbers remain current.
 1. Training aids may also be procured from the Nixa Police Department Property Room after proper, court-ordered disposition has been received.
2. When not being used, all drug training aids shall be secured in the PSD unit safe.
 1. This safe shall be secured to the floor or wall of Temporary Evidence Room
 2. Access to this safe shall be limited to current PSD handlers and Canine Coordinator.
3. When drug-training aids are received, substances may be packaged in individual packets by varying weights by the Canine Coordinator.
 1. These weights will be documented for future inventory on a card that is maintained with the respective drug training aid.
4. Training aids for PSD drug detection will be maintained in separate airtight containers and marked as the following:
 1. CO (cocaine);
 2. HE (heroin);
 3. ME (methamphetamine);
 4. EC (Ecstasy)
5. PSD handlers conducting training will complete the narcotics control log.
 1. The training aid box(es) checked out, the date, time, and officer's initials shall be documented in the narcotics control log for each transaction. The same shall be documented when the training aid box(es) is/are checked back in.
 2. Each PSD handler is solely responsible for the accountability of the drug training aids they check
 3. In the event a container of drugs or any portion thereof is damaged or lost, the officer checking out the container will:

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1. Contact the Canine Coordinator.
2. Complete a memo including the following information
 1. Name of people involved;
 2. Name of canine involved;
 3. Location of occurrence;
 4. Type of Drugs involved;
 5. Check-out weight of the damaged package;
 6. Check-in weight of the damaged package;
 7. Complete details of the incident.
3. If DEA-issued narcotics are lost or stolen, DEA Form 106 shall be completed and submitted to DEA
4. If narcotics procured from the NPD Property Room are lost or damaged, this information will be forwarded to the Property Room Supervisor to be recorded in the Property Unit's tracking system
6. PSD Drug Training Aid Inventory Control
 1. The Canine Coordinator or designee will conduct two inventory inspections of all drug training aids issued to the PSD unit per calendar year.
 - (a) This will be documented on the Police Service Dog Unit Drug Training Aid Inventory Inspection Form
 2. The Support Bureau Commander shall conduct unannounced inventory inspections of drug training aids issued to the PSD unit at least once per calendar year.
7. Destruction of PSD Training Aids
 1. Training aids that are no longer needed or can no longer be used (due to damage, age, etc.) shall be stored in the PSD Unit safe until properly disposed.
 - (a) When training aids issued by the DEA are to be destroyed, DEA Form 41 will be completed and submitted to the DEA.
 - (b) A copy of the form will be maintained in the DEA drug file.

308.8 REPORT WRITING

1. PSD handlers will document all deployments through department approved procedure.
2. PSD handlers will complete monthly PSD Training Records.
3. These forms will document satisfactory/unsatisfactory performance of the PSD.
4. These forms will be maintained by the department Training Coordinator.

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308.9 PSD ENGAGEMENTS AND INJURIES

1. Whenever a PSD engages an individual, whether or not in the line-of-duty, the handler shall:
 1. Obtain medical treatment for the person;
 - (a) Medical personnel should examine the affected area regardless of the perceived seriousness of the bite or injury.
 2. Notify their supervisor immediately
 3. Have photographs taken of the affected area prior to and following medical treatment;
 4. Complete a Resistance Control Form and an RMS report detailing the incident
 - (a) The RCF and RMS report requirement does not apply to training accidents and other incidents requiring an on-duty injury packet.

308.10 PSD ARREST AND USE OF FORCE

1. PSDs will not be used to threaten a suspect or arrested person.
 1. This does not prevent the use of the PSD to guard someone, to prevent escape, or to keep someone from interfering in a police function.
2. When time permits and it is tactically safe, the PSD handler shall give a minimum of two warnings prior to deploying the PSD off lead in a search area or building.
 1. The verbal warning shall include:
 - (a) Who you are. (i.e., Nixa Police);
 - (b) What is wanted of the person(s) (i.e., speak to me, etc);
 - (c) What the consequences will be (i.e., I will send my dog).
3. PSDs shall not be deployed to apprehend persons except when the PSD handler has probable cause to believe that one of the following circumstances is present:
 1. To apprehend violent suspects, or to prevent any person from assaulting the canine handler, another police officer, or citizen;
 2. Suspect(s) pose a significant risk to officers by concealing themselves in such a manner or area that increases the risk of ambush to officers and refuse to surrender;
 - (a) PSDs shall not be deployed to apprehend non-violent misdemeanor suspects who pose no risk as described above.
4. If available, a PSD may be deployed to check the interior of vehicles in high-risk stop situations prior to an officer's approach.
5. If a PSD is deployed off lead to apprehend a fleeing suspect, caution should be used if the area is heavily populated.

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308.11 DRUG DETECTION

1. The PSD handler shall maintain records that document the use and proficiency of the PSD in drug detection using the Police Service Dog Narcotics Training Summary.
 1. This documentation shall be readily available for others who may need it when seeking warrants.
2. Use of PSD in a drug detection capacity is authorized in the following situations:
 1. Random exploratory sniffing of luggage, packages or other inanimate objects may be conducted in public facilities such as airports and bus terminals.
 - (a) Whenever possible, exploratory sniffing in these facilities shall be conducted with advance knowledge and consent of the appropriate facility manager.
 - (b) Exploratory sniffing shall be conducted without interference or annoyance to the public or interruption of facility operations.
 - (c) Officers may detain specific checked luggage or related items for purposes of requesting a PSD sniff if reasonable suspicion exists, but may not detain the items so long as to interfere with the owner's scheduled travel.
 - (d) When a PSD indicates on the item sniffed, a warrant or consent to search must be obtained before a search is completed.
3. PSD handlers shall not initiate a sniff of an individual's person with an aggressive alert dog.
4. Searches based on the sniff of the curtilage area of residences – either individual dwellings or the common areas of multiple-unit dwellings – are not permitted without consent to search or a search warrant.
5. PSD may be used to sniff the exterior of motor vehicles during a valid stop.
 1. A PSD alert shall serve as probable cause to search the vehicle (United States v Klingsmith 25 F.3d 1510).

308.12 BUILDING SEARCHES FOR SUSPECTS IN HIDING

1. PSDs can be used for locating suspects in buildings or other structures where a search by officers would create an unnecessary risk. These searches shall be governed by the following:
 1. The building perimeter shall be secured by police personnel.
 - (a) Whenever possible, the building's owner should be contacted to determine whether there may be tenants or others in the building and to ascertain the building's layout.
2. Officers should not conduct a preliminary search of a building if a PSD search is anticipated because it will interfere with the PSD's ability to discriminate scents.
3. The following steps shall be taken in preparation for the PSD:
 1. Evacuate all tenants, workers, or others from the facility;

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2. Whenever possible request that all air conditioning, heating, or other air- blowing systems be shut off so as not to interfere with the PSD's scent.
4. Upon entrance to the building, all exits should be secured, and communications limited to those of a tactical nature.
5. The PSD may be unleashed during a building search unless there is an imminent risk of injury to innocent persons within the building.
6. Before commencing the search, the PSD handler shall give a minimum of two warnings prior to deploying the PSD.
 1. The verbal warnings shall include:
 - (a) Declaration of identity (i.e., Nixa Police);
 - (b) Instructions for the person(s) (e.g., speak to me, etc.);
 - (c) Consequences for non-compliance (e.g., I will send my dog).
 2. A reasonable amount of time shall also be allowed for the suspect to respond.
 3. This warning should be repeated when entering additional areas of the building to ensure persons present hear the warning.

308.13 CROWD CONTROL

1. PSD teams may be used to assist with crowd control to protect life or property during a riot or other unlawful assemblies.
 1. In these situations, PSDs shall be short leashed at all times unless no other means are available to protect an individual from serious injury.
 2. Deployment of PSDs shall follow the department guidelines in the policy on Use of Force.
 3. Prior to the release of any chemical agents, the on-scene commander shall notify the PSD team.

308.14 TRACKING

1. PSDs are capable of tracking suspects and lost or missing persons.
 1. Officers attempting to locate a person shall:
 - (a) Secure the location where the suspect was last seen;
 - (b) Secure the perimeter of the area to be searched;
 - (c) Prevent vehicle or foot movement in the area;
 - (d) Perimeter units shall have their emergency lights activated.
 2. PSDs used for tracking persons should remain on a leash of sufficient length to provide a reasonable measure of safety to the subject of the search without compromising the PSD's tracking abilities.
 3. A minimum of one officer shall accompany the PSD team while tracking suspects.

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1. The officer will serve as a backup officer to assist with lethal cover and handcuffing suspects.
2. The backup officer shall stay with the PSD team until released by the PSD handler.
4. Communications will be notified by radio when the PSD team has started a track

308.15 HANDLER RESPONSIBILITIES

1. 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.
 1. The handler may delegate the care, cleaning, or daily maintenance of their assigned PSD to a suitable family member, another handler or a veterinary office with a kennel approved by the Canine Coordinator.
 2. Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
 3. The handler shall supervise any interaction/socialization between the PSD and other persons in order to maintain control of the PSD.
 4. 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.
2. The handler is responsible for maintaining their assigned vehicle and all related equipment in a clean and proper condition.
 1. 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.
 2. When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Nixa Police Department.
 3. Equipment to be kept in the vehicle for canine use includes:
 - (a) Two leads;
 - (b) One nylon lead sufficient for tracking with heavy-duty strap;
 - (c) Tracking harness (if used);
 - (d) Two heavy-duty chain collars;
 - (e) Water and drinking dish;
 - (f) Agitation muzzle;
 - (g) Bite sleeve;
 - (h) PSD first aid kit;
 - (i) Temperature/bailout system installed in the assigned vehicle.

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3. PSDs will be seen only by an approved veterinarian except in emergencies.
4. All medical records will be maintained in the PSDs medical file.
5. When off-duty, the canine shall be in a kennel provided by the City of Nixa at the home of the handler.
 1. When a canine is kenneled at the handler's home, the gate shall be secured with a lock.
 2. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.
6. Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Support Bureau Commander.
7. 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 Support Bureau Commander.
8. 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.
9. A canine shall not be left unattended in any area to which the public may have access.
10. 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 dog. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

308.16 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.
- (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.

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308.16.1 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.

308.17 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

- (a) An officer with a minimum of one consecutive year of full-time service immediately prior to the last day of the job posting with the Nixa Police Department, and not be on probation in the field training program or on disciplinary probation.
- (b) Residing in a single-family residence
- (c) A garage that can be secured and accommodate a canine vehicle.
- (d) Living within 30 minutes travel time from the Nixa City limits determined by Google Maps.
- (e) Agreeing to be assigned to the position for a minimum of three years.

308.18 HANDLER COMPENSATION

- 1. The canine handler shall be available for call-out under conditions specified by the canine coordinator.
- 2. 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).
 - 1. PSD handlers will have one hour per shift devoted to the care and maintenance of their PSD.
 - 2. Handlers will be compensated at the rate of one hour per day for the care of their assigned PSD for all non-work days.

308.19 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 Support Bureau 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.

308.20 RETIREMENT OF PSD

- 1. Age, illness, and injuries are factors when considering the retirement of a PSD from service.

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1. When the PSD is no longer capable of performing the acceptable standards due to any of the aforementioned reasons, it shall be retired from service.
2. If medical conditions are a factor the PSD Canine Coordinator will consult with the veterinarian and a decision will be made.
2. Retired PSDs shall be offered to their handler. If the handler does not want the dog, it will be offered to other handlers. If no other handlers want the dog, other options will be explored.
3. Upon retirement, the department will give up responsibility for the care and maintenance of the dog. All expenses will become the responsibility of the owner.

Domestic Violence

309.1 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 this department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence.

309.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of court orders related to domestic violence, both civil and criminal, whether issued by a court of this state or another and whether service has been made.

Domestic violence - Abuse or stalking committed by a family or household member. Abuse may be in the form of an assault, battery, coercion, harassment, sexual assault, unlawful imprisonment or an attempt to commit these acts (§ 455.010, RSMo).

Family or household member - Includes spouses, former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, persons who are or have been in a continuing social relationship of a romantic or intimate nature, and persons who have a child in common regardless of whether they have been married or have resided together at any time (§ 455.010, RSMo).

309.2 POLICY

The Nixa 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 to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

309.3 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.

309.4 INVESTIGATIONS

The following guidelines should be followed by officers when investigating domestic violence cases:

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- (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, or whose injuries change in appearance warranting additional photographs, should be asked to contact the Criminal Investigations 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.
- (j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. The following factors should not be used as sole justification for declining to take enforcement action:
 - 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 domestic violence occurred where evidence indicates otherwise

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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

309.4.1 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.

309.4.2 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 unit).
- (b) Document the incident including the resolution in a written report.

309.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Officers should:

- (a) Recognize that a victim's behavior and actions may be affected.
- (b) Provide the victim with the Department's victim information handout, even if the incident may not rise to the level of crime.
- (c) Alert the victim to any available victim advocates, shelters and community resources.
- (d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.
- (e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.

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- (f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.
- (g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (h) Seek or assist the victim in obtaining an emergency order if appropriate.

309.6 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. 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.

309.7 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, his/her 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.

309.8 LEGAL MANDATES AND RELEVANT LAWS

Missouri law provides for the following:

309.8.1 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

- (a) An officer who has probable cause to believe that a domestic violence offense has occurred should make an arrest (§ 455.085, RSMo). Any decision not to arrest requires supervisor approval.

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- (b) An officer subsequently called to the same address within a 12-hour period, who has probable cause to believe the same person has again committed a domestic violence offense against the same or any other family or household member, shall arrest the person for this subsequent offense (§ 455.085, RSMo).
- (c) An officer is not required to arrest both parties when both parties claim to have been assaulted. The officer shall attempt to identify and shall arrest the party he/she believes is the primary physical aggressor. The term "primary physical aggressor" is defined as the most significant, rather than the first, aggressor (§ 455.085, RSMo).
 - 1. An officer shall consider any or all of the following in determining the primary aggressor (§ 455.085, RSMo):
 - (a) The intent of the law to protect victims of domestic violence from continuing domestic violence
 - (b) The comparative extent of injuries inflicted or serious threats creating fear of physical injury
 - (c) The history of domestic violence between the persons involved
 - 2. An officer shall not threaten to arrest all parties for the purpose of discouraging requests for law enforcement intervention.
 - 3. The officer shall evaluate each complaint separately to determine whether to make an arrest or seek a warrant for an arrest.
- (d) Officers shall arrest a person based upon probable cause that the person has notice of a protective order and has committed an act of domestic violence in violation of the order. The arrest is required whether or not the violation occurred in the presence of the officer (§ 455.085, RSMo).
- (e) Officers shall arrest a person against whom an order of protection has been entered if the person fails to surrender custody of minor children to the person to whom custody was awarded in the order and shall also turn the minor children over to the care and custody of the party to whom such care and custody was awarded.

309.8.2 REPORTS AND RECORDS

- (a) When an officer declines to make an arrest, the report shall include (§ 455.085, RSMo):
 - 1. A complete description of the suspect
 - 2. The victim's name
 - 3. The date, time, and location of the incident
 - 4. The reasons why no arrest was made and any other pertinent information
- (b) The report should also include reasonably known information regarding prior related incidents of domestic violence, violations of court orders, and related prior convictions as this information may affect the level of the offense (§ 455.085, RSMo).

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- (c) The supervisor overseeing any domestic violence related homicide or suicide shall forward the required information to the Missouri State Highway Patrol on the form or in the format required by the patrol (§ 455.543, RSMo).
- (d) The patrol supervisor shall ensure procedures are established related to the service and entry of court orders into the Missouri Uniform Law Enforcement system (MULES) as required by § 455.038, RSMo; § 455.040, RSMo; § 455.516, RSMo.

Search and Seizure

310.1 PURPOSE AND SCOPE

Both the federal and the state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Nixa Police Department personnel to consider when dealing with search and seizure issues.

310.2 POLICY

It is the policy of the Nixa 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 as well as local community standards and prosecutorial considerations to specific search and seizure situations as appropriate.

310.3 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.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

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 or other available resource to resolve questions regarding search and seizure issues prior to electing a course of action.

Search and Seizure

310.4 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) 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 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.

310.5 DOCUMENTATION

Officers are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- 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.

Temporary Custody of Juveniles

311.1 PURPOSE AND SCOPE

This policy provides guidelines and requirements consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by the Nixa Police Department.

311.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, or alien juvenile who may legally be held for his/her 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 his/her protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person.

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 an offense related to prohibited handgun possession by a minor (§ 571.070, RSMo; 18 USC § 922(x); 28 CFR 31.303).

Juvenile officer - Any person the court has authorized to exercise the certain powers pertaining to juveniles, including deputy juvenile officers.

Non-secure custody - The status of a juvenile who is in the presence of an officer or other custodial employee at all times, and who is under direct personal supervision through visual monitoring and audio two-way communication. Direct visual monitoring may occur through a transparent barrier as long as two-way communication is still possible. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object or placed in a locked holding room or cell.

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.

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- (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 that would not be a criminal violation if not for the age of the offender (e.g., running away, underage drinking, under age possession of alcohol or tobacco, curfew violation, truancy). Juveniles taken into custody on a court order or warrant issued for a status offense qualify as a status offender.

311.2 POLICY

It is the policy of the Nixa Police Department to protect juveniles when it is legal and appropriate by removing them from environments that endanger their health or welfare. The Department also will promote public safety by taking custody of juveniles who have violated the law.

311.3 AUTHORITY TO TAKE CUSTODY

Officers shall only take custody of a juvenile when they have the legal authority to do so and there is no lawful, practicable alternative to custody. Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult as soon as practicable, unless the juvenile's immediate welfare or the protection of the community requires that the juvenile be transferred to other authorities.

311.3.1 CUSTODY OF NON-OFFENDERS

Juvenile non-offenders should be taken into custody and held at the Nixa Police Department when authorized by the law, in compliance with the Child Abuse Policy.

311.3.2 STATUS OFFENDERS

Juvenile status offenders should generally not be taken into custody but should be released by citation or upon a warning. They may be taken into custody and transported to the Nixa Police Department or other appropriate authority if the circumstances support custody as a non-offender due to potential for harm to the juvenile. Officers may also 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).

Custody and transportation to the Nixa Police Department based only on a status offense requires approval of a supervisor and consultation with a juvenile officer. This custody may apply to juveniles who have committed status offenses.

An officer who takes custody of a juvenile for a status offense shall complete a juvenile referral report and ensure that it is forwarded to the juvenile officer as soon as practicable but no later than five days following the release of the juvenile.

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311.3.3 JUVENILE OFFENDER

Juvenile offenders may be taken into custody (§ 211.031, RSMo; Sup. Ct. Rule 127.01):

- (a) Pursuant to an order of the court.
- (b) Pursuant to the laws of arrest applicable to adults.

An officer taking a juvenile offender into custody shall immediately notify a juvenile officer and make a reasonable attempt to notify the juvenile's parents, guardian, or custodian (Sup. Ct. Rule 127.02).

The officer shall release the juvenile offender immediately to his/her parent, guardian, custodian, or any other suitable person unless transfer to a juvenile detention facility is authorized by a juvenile officer.

Juvenile officers make a determination based upon whether a substantial reason exists for transferring a juvenile offender to a juvenile detention facility (§ 211.141, RSMo; Sup. Ct. Rule 127.02).

Reasons that a juvenile offender may be transferred to a detention facility include but are not limited to:

- Alleged acts resulting in serious bodily injury or property damage or loss which constitutes a felony.
- Acts of misconduct that put any person or the public at risk of serious harm.
- Acts of misconduct involving a weapon or a sexual offense.
- Circumstances that indicate the juvenile is a significant flight risk and in need of protection.
- Circumstances that indicate the custodian lacks the ability to adequately supervise and manage the behavior of the juvenile pending further contact with the court or the juvenile division.

If a juvenile officer authorizes detention, the officer taking the juvenile into custody shall submit to the juvenile officer as soon as practicable, but no later than 12 hours after taking the juvenile into custody, a written report that includes the facts and circumstances that caused the officer to believe the juvenile qualified as a juvenile offender and the reasons he/she was placed in custody and not released (§ 211.031, RSMo; Sup. Ct. Rule 127.02).

If the juvenile is not released and detention is ordered or authorized, the juvenile shall be immediately taken to a juvenile detention facility.

In cases where a juvenile is taken into custody but later released to a parent, guardian, custodian, or other suitable person, the officer shall prepare a report that the juvenile was taken into custody and released and ensure that the necessary forms are forwarded to the juvenile officer (Sup. Ct. Rule 127.02).

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311.4 CONSTITUTIONAL RIGHTS ADVISEMENT

Officers should not attempt to interview or interrogate a juvenile offender or status offender who is in custody without the presence of a juvenile officer. The juvenile officer or authorized designee will advise the juvenile of his/her rights (§ 211.059, RSMo; Sup. Ct. Rule 126.01). Officers should notify the appropriate adult (i.e., parent, guardian, custodian) prior to the interview or interrogation and will respect a juvenile's desire to speak with an appropriate adult prior to questioning.

The officer shall cease questioning if the juvenile indicates in any manner and at any stage of questioning that he/she does not wish to be questioned further.

311.5 NO-CONTACT REQUIREMENTS

Juvenile no-contact requirements include:

- (a) Sight and sound separation between all juveniles and adults in custody (34 USC § 11133).
- (b) Sight and sound separation between non-offenders and juvenile and status offenders.

311.6 RULES APPLICABLE TO JUVENILES IN CUSTODY

Employees and supervisors assigned to monitor or process a juvenile at the Nixa Police Department shall ensure the following:

- (a) No juvenile should be held at the Nixa Police Department longer than four hours or what is reasonably necessary under the circumstances. The Shift Supervisor should be notified if it is anticipated that a juvenile may need to remain at the Nixa Police Department more than four hours. The Shift Supervisor shall ensure no juvenile is held at the Nixa Police Department longer than six hours.
- (b) Personal checks and significant incidents and activities involving the juvenile will be noted on the admission form.
- (c) The juvenile shall have adequate shelter, heat, light and ventilation without compromising security or enabling escape.
- (d) The juvenile has reasonable access to toilets and wash basins.
- (e) The juvenile shall have reasonable access to a drinking fountain or water.
- (f) Food shall be provided if the juvenile has not eaten within the past four hours or is otherwise in need of nourishment. This may include a special diet required for the health of the juvenile. All food given to a juvenile in custody shall be provided from the jail food supply.
- (g) The juvenile shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained.
- (h) A juvenile shall have adequate furnishings, including suitable chairs or benches.
- (i) Blankets and clothing necessary to ensure the comfort of the juvenile shall be provided by the jail if the juvenile's clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

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- (j) The juvenile shall have privacy during family, guardian and/or lawyer visits as required by law.
- (k) A juvenile shall have the right to the same number of telephone calls as an adult in custody.
- (l) No discipline shall be administered to any juvenile. Juveniles are never to be subjected to corporal or unusual punishment, humiliation or mental abuse.
- (m) The legal and civil rights shall be the same as that of an adult in custody.
- (n) A juvenile offender will be held in non-secure custody while at the Nixa Police Department unless another form of custody is authorized by this policy or necessary due to exigent circumstances.

311.6.1 RULES APPLICABLE TO JUVENILES IN NON-SECURE CUSTODY

A juvenile in non-secure custody shall:

- (a) Be informed by the monitoring employee that he/she will be monitored at all times unless using the toilet. This does not apply to surreptitious and legally obtained recorded interrogations.
- (b) Not be monitored when in need of privacy due to changing clothes or using the restroom. However, the monitoring employee will be available to intervene within 60 seconds should a problem or medical emergency arise.

311.6.2 RULES APPLICABLE TO JUVENILES IN SECURE CUSTODY

A juvenile in secure custody shall only be supervised during personal hygiene activities by an employee of the same sex.

311.7 PHYSICAL AND MENTAL HEALTH-RELATED ISSUES

311.7.1 JUVENILES DISQUALIFIED FOR CUSTODY AT THE NIXA POLICE DEPARTMENT

Officers should not hold any juvenile at the Nixa Police Department who is unconscious, seriously injured, is a suicide risk or severely emotionally disturbed, or extremely or continuously violent.

Officers taking custody of a juvenile who exhibits any of these conditions should take reasonable steps to provide medical attention or mental health assistance and should notify a supervisor of the situation.

Juveniles who have recently been disqualified for custody will not be held at the Nixa Police Department unless or until they have been subsequently approved for further processing at the Nixa Police Department by a qualified medical and/or mental health professional.

311.7.2 INTOXICATED AND SUBSTANCE ABUSING MINORS

A medical clearance shall be obtained prior to holding a juvenile at the Nixa Police Department when the juvenile displays outward signs of intoxication or is known or suspected to have recently ingested any substance that:

- (a) Is illegal to possess.

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- (b) Would require a prescription from a medical professional.
- (c) Is a legal drug, but was taken in excess.
- (d) Is not safe for ingestion (i.e., sniffing toluene or other harmful vapors) or is reasonably believed to present an immediate health risk.

A medical clearance is required when there is reason to suspect a juvenile has concealed drugs or other items in a body cavity. An intoxicated juvenile who has been medically cleared for further processing but whose symptoms do not abate or decrease should be taken for additional medical clearance.

311.7.3 SUICIDE PREVENTION

Department employees should be alert to symptoms, behavior or other indicators that the juvenile may be a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill him/herself or any unusual behavior that may indicate the juvenile may harm him/herself while in temporary custody.

The Shift Supervisor should be notified if it appears that the juvenile may be a suicide risk. The Shift Supervisor will ensure an appropriate mental health evaluation is conducted. The juvenile shall be under constant non-secure custody while he/she remains in department custody.

311.8 USE OF RESTRAINT DEVICES

Juveniles shall only be restrained in compliance with the Control Devices and Techniques and Use of Force policies. Officers may keep juvenile offenders handcuffed behind their back at the Nixa Police Department when the juvenile presents a heightened risk. Relevant factors may minimally include their actions, statements, size, age or background. Non-offenders or status offenders should generally not be handcuffed unless they become combative or are a threat to themselves.

A juvenile who is so violent that leg restraints are applied is disqualified for custody at the Nixa Police Department. Medical treatment of the juvenile should be obtained in these circumstances and a supervisor shall be notified.

311.9 PERSONAL PROPERTY OF JUVENILE OFFENDERS

The officer taking custody of a juvenile offender or status offender shall ensure a thorough search of the juvenile is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils and belts. A juvenile shall be searched by an employee of the same sex absent exigent circumstances to do otherwise.

The personal property of a juvenile should be placed in a property bag. The property shall be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Nixa Police Department.

311.10 SECURE CUSTODY

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311.10.2 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the locked enclosure to ensure there are no weapons or contraband and that the area is clean and sanitary. An inspection should be conducted when he/she is released. Any damage noted to the area should be photographed and documented.

The following requirements shall apply:

- (a) Anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces, and jackets, shall be removed.
- (b) The juvenile shall constantly be monitored by an audio/video system during the entire temporary custody.
- (c) The juvenile shall have constant auditory access to department members.
- (d) The juvenile's initial placement into and removal from a locked enclosure shall be logged.
- (e) Unscheduled safety checks by department members shall occur no less than every 15 minutes.
 - 1. All checks shall be logged.
 - 2. The safety check should involve questioning the juvenile as to his/her well-being.
 - 3. Juveniles who are sleeping or apparently sleeping should be awakened.
 - 4. Requests or concerns of the juvenile should be documented.
- (f) Males and females shall not be placed in the same locked room.
- (g) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (h) Restrained juveniles shall not be placed in a cell or room with unrestrained juveniles.

311.10.2 WHEN SECURE CUSTODY IS APPROPRIATE

Only juvenile offenders 14 years of age or older may be placed in secure custody and only when exigent or other significant circumstances justify such placement. Supervisor authorization 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.

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.

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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.

311.11 DEATH OF A JUVENILE

The Shift Supervisor will ensure procedures are in place to address the death of any juvenile held at the Nixa Police Department. This will include evidence preservation and notification of the following:

- (a) On-duty supervisor, Chief of Police and Criminal Investigations supervisor as practicable
- (b) Appropriate prosecutor
- (c) City attorney
- (d) Juvenile officer
- (e) Coroner

311.12 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

Department employees shall take fingerprints and photographs of a juvenile offender taken into custody for an offense that would be considered a felony if committed by an adult or otherwise authorized by court order (§ 211.151, RSMo).

311.13 CONTACTING JUVENILE SUSPECTS

No interview or interrogation of a juvenile who is not in custody should occur unless the child has the apparent capacity to consent and does consent to an interview or interrogation.

311.14 STRIP SEARCHES AND PHYSICAL BODY CAVITY SEARCHES OF JUVENILES

No juvenile shall be subjected to a strip search or body cavity search without approval of the Shift Supervisor and only upon the authority of a search warrant. A copy of any search warrant and the results of the strip search or body cavity search shall be included with the related reports and made available, upon request, to the juvenile's parent, guardian, custodian or authorized representative.

- (a) Only authorized medical personnel may conduct a physical body cavity search.
- (b) Except for the authorized medical personnel, persons present must be of the same sex as the juvenile being searched. Only the necessary staff needed to maintain the safety and security of the medical personnel shall be present.
- (c) Privacy requirements, including restricted touching of body parts, are the same as required under the Custodial Searches Policy.
- (d) All strip searches and body cavity searches shall be documented including:
 - 1. The facts that led to the decision to perform a strip search or body cavity search of the juvenile.

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2. The reasons less intrusive methods of searching were not used or were insufficient.
 3. The Shift Supervisor'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 staff present and their roles.
 8. Any contraband or weapons discovered by the search.
- (e) Completed documentation should be placed in the juvenile's file. A copy of the written authorization shall be retained and made available to the juvenile or other authorized representative upon request.
- (f) All contraband and weapons should be processed in accordance with the department's current evidence procedures.
- (g) If appropriate, the staff member requesting the search shall complete a crime report.

Adult Abuse

312.1 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 Nixa Police Department members as required by law.

312.1.1 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.

312.2 POLICY

The Nixa Police Department will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

312.3 MANDATORY NOTIFICATIONS

Members of the Nixa Police Department shall immediately notify the Department of Health and Senior Services (DHSS) whenever they have reasonable cause to believe that any of the following individuals have been abused or neglected or present a likelihood of suffering serious abuse or neglect:

- (a) A resident of a convalescent, nursing and boarding facility (§ 198.070, RSMo)
- (b) A person 60 years of age or older who is unable to protect his/her own interests, or adequately perform or obtain services which are necessary to meet his/her essential human needs (§ 192.2405, RSMo)
- (c) An adult with a disability between the ages of 18 and 59 who is unable to protect his/her own interests or adequately perform or obtain services which are necessary to meet his/her essential human needs (§ 192.2405, RSMo)
- (d) An in-home services client (§ 192.2475, RSMo)

For purpose of notification, abuse includes physical, sexual, or emotional injury or harm, financial exploitation or bullying (§ 192.2400, RSMo; § 198.006, RSMo).

312.3.1 NOTIFICATION PROCEDURE

Notifications shall be made either orally or in writing as soon as practicable and may be made to the DHSS toll-free reporting number. The notification should include the name and address of any related facility, including the name of the victim, information regarding the nature of the abuse or neglect, the name of the complainant and any other information that might be helpful to the investigation (§ 192.2410, RSMo; § 198.070, RSMo).

The time and manner of notification should be documented in a report.

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312.4 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.
- (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.

312.5 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 DHSS. 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 DHSS.

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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, officer should contact a supervisor promptly after taking the adult into protective custody.

Protective custody of an adult abuse victim may only occur in the following situations (§ 192.2465, RSMo):

- (a) Where there is probable cause to believe an adult who is incapable of giving consent will suffer imminent physical harm if not immediately taken to a medical facility and it is not practicable for the DHSS to initiate guardianship or conservatorship proceedings.
 - 1. The officer shall notify the next of kin of the victim, if known, and the DHSS.
- (b) Pursuant to a warrant to enter the premises and remove the victim.

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.

312.6 INTERVIEWS

312.6.1 PRELIMINARY INTERVIEWS

Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation.

312.6.2 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.

312.7 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.

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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.

312.8 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.

312.8.1 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.

312.9 RECORDS UNIT RESPONSIBILITIES

The Records Unit is responsible for:

- (a) Providing a copy of the adult abuse report to the DHSS as required by law.
- (b) Retaining the original adult abuse report with the initial case file.

312.10 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.

312.11 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

313.1 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.

313.2 POLICY

The Nixa 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 or may not violate state or federal law but still could subject a member to discipline.

313.3 DEFINITIONS

Definitions related to this policy include:

313.3.1 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.

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313.3.2 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 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.

313.3.3 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 (EEOC) and the Missouri Commission on Human Rights.
- (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.

313.3.4 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.

313.4 RESPONSIBILITIES

This policy applies to all department personnel. All members 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 Director of Human Resources, or the City Administrator.

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

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retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

313.4.1 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 Director of Human Resources in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

313.4.2 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 or counseling members, or issuing discipline, in a manner that is consistent with established procedures.

313.4.3 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 Director of Human Resources, or the City Administrator for further information, direction, or clarification.

313.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved members 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

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complaints of discrimination, retaliation, or harassment shall be fully documented, and promptly and thoroughly investigated.

313.5.1 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.

313.5.2 FORMAL INVESTIGATION

If the complaint cannot be resolved satisfactorily through the supervisory resolution process, a formal investigation will be conducted.

The member assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. The 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 Director of Human Resources, or the City Administrator.

313.5.3 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.

If you prefer to remain anonymous, contact The Network, 24 hours a day, 7 days a week.

Report online: reportlineweb.com/Nixa

Call toll-free: 877-371-0675

Discriminatory Harassment

313.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on 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 Administrator, or the Director of Human Resources depending on the ranks of the involved parties.
- (b) Maintained in accordance with the established records retention schedule.

313.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the action taken to remedy or address the circumstances giving rise to the complaint.

313.7 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 understand 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.

Child Abuse

314.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Nixa Police Department members are required to notify the Missouri Department of Social Services, Children's Division of suspected child abuse.

314.1.1 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 (§ 210.115, RSMo).

314.2 POLICY

The Nixa Police Department will investigate all reported incidents of alleged criminal child abuse and ensure the Missouri Department of Social Services, Children's Division is notified as required by law.

314.3 MANDATORY NOTIFICATION

Members of the Nixa Police Department shall notify the Missouri Department of Social Services, Children's Division when (§ 210.115, RSMo):

- (a) There is reasonable cause to suspect that a child has been or may be subjected to abuse or neglect, or
- (b) A child has been observed as being subjected to conditions or circumstances which would reasonably result in abuse or neglect.

For purposes of notification, abuse is any physical injury, sexual abuse or emotional abuse inflicted on a child other than by accidental means by any person, except that discipline, including spanking, administered in a reasonable manner, shall not be construed to be abuse. Neglect is a failure to provide, by those responsible for the care, custody and control of the child, the proper or necessary support, education as required by law, nutrition or medical, surgical, or any other care necessary for the child's well-being (§ 210.110, RSMo; § 210.115, RSMo.).

314.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows:

- (a) Notifications shall be made immediately to the Missouri Department of Social Services, Children's Division by calling the Child Abuse and Neglect Hotline (§ 210.115, RSMo; § 210.145, RSMo) or other method accepted by that agency.

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- (b) Notification, when possible, shall include (§ 210.130.2, RSMo):
 - 1. The name and address of the child, the child's parents or others responsible for the child's care.
 - 2. The age, sex and race of the child.
 - 3. The nature and extent of the child's injuries, including any evidence of previous cases of known or suspected abuse or neglect of the child or the child's siblings.
 - 4. The names and addresses of the persons responsible for the suspected abuse or neglect, if known.
 - 5. The family composition.
 - 6. The source of the report and the name, address and occupation of the person making the report.
 - 7. Any action taken related to the investigation thus far, such as photographs or medical exams.
 - 8. Any other information that the person making the report believes may be helpful.
- (c) If the child is currently in custody, the officer should advise the Child Abuse and Neglect Hotline of the emergency nature of the report and request an immediate response from the on-call investigator.

314.4 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.
- (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 (§ 210.145.10, RSMo).

314.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

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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.
- (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.
- (k) The Department shall assist the Missouri Department of Social Services, Children's Division in investigations when requested and participate in multidisciplinary teams for protective and preventive services pursuant to § 210.145.4, RSMo, as well as § 210.145.10, RSMo.

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).

314.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact the Missouri Department of Social Services, Children's Division. 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

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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 the Missouri Department of Social Services, Children's Division.

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 in the following situations (§ 210.125, RSMo):

- (a) When a court order has authorized the removal of the child.
- (b) When an officer has reasonable cause to believe that a child is in imminent danger of suffering serious physical harm or a threat to life as a result of abuse or neglect and the officer has reasonable cause to believe the harm or threat to life may occur before a juvenile court can issue a temporary protective custody order or before a juvenile officer can take the child into protective custody.

When imminent danger is not present, an officer who has reasonable cause to suspect that a child is suffering from illness or injury or is in danger of personal harm by reason of his/her surroundings and that a case of child abuse or neglect exists, may request that the juvenile officer take the child into protective custody under § 210.125.1, RSMo.

314.6.1 PROCEDURE

As soon as practicable after a child is taken into protective custody, the officer shall (§ 210.125, RSMo):

- (a) Notify the juvenile officer of the county court in which the child is located.
- (b) Notify the Missouri Department of Social Services, Children's Division.
- (c) Make a reasonable attempt to notify the child's primary caregiver.

An officer who takes a child into temporary protective custody shall submit a written report to the juvenile officer as soon as practicable but no later than 12 hours after taking the child into custody. The report shall identify the child and the facts and circumstances that established a reasonable cause to believe that the child was in imminent danger of serious physical harm or death (§ 210.125, RSMo; Sup. Ct. Rule 123.02).

314.6.2 SAFE PLACE FOR NEWBORNS ACT

A person may leave an unharmed infant up to 45 days old with an on-duty employee at any hospital, maternity home, pregnancy resource center, fire department, with an emergency medical professional or law enforcement agency (§ 210.950, RSMo.). The person taking physical custody of an infant at any place other than a hospital shall arrange for the immediate transportation of the infant to the nearest hospital licensed pursuant to Chapter 197, RSMo. The hospital shall notify the Department of Social Services.

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A parent voluntarily relinquishing a child is not required to provide any identifying information about the child or the parent. Officers shall not induce or coerce, or attempt to induce or coerce, a parent into revealing his/her identity, or attempt to locate or determine the identity of the parent.

314.7 INTERVIEWS

314.7.1 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. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

314.7.2 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.

314.7.3 NOTIFICATION TO PARENT

If the parents are not the alleged abusers, a parent of the child shall be notified prior to the child being interviewed. If the abuse or neglect is alleged to have occurred in a school or child care facility, the interview shall not take place in any school building or child care facility building where the abuse or neglect is alleged to have occurred (§ 210.145.5, RSMo).

314.7.4 REQUESTS FOR INTERVIEW ASSISTANCE FROM THE MISSOURI DEPARTMENT OF SOCIAL SERVICES

When the Department is contacted by the Missouri Department of Social Services, Children's Division, requesting assistance, the Department shall either assist in the investigation or provide the Children's Division, within 24 hours, an explanation in writing detailing the reasons why it is unable to assist. When assistance relates to a notification that a child is in danger of serious physical harm, the handling officer shall take all necessary steps to facilitate direct observation of the child by the Children's Division (§ 210.145.5, RSMo; § 210.145.6, RSMo).

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When providing assistance, no officer shall call prior to a home visit or leave any documentation of any attempted visit, such as business cards, pamphlets or other similar identifying information, if he/she has a reasonable basis to believe any of the following factors are present (§ 210.145.6, RSMo):

- (a) No person is present in the home at the time of the home visit and either the suspect resides in the home or the physical safety of the child may be compromised if the alleged perpetrator becomes aware of the attempted visit.
- (b) The alleged perpetrator will be alerted regarding the attempted visit.
- (c) The family has a history of domestic violence or of fleeing the community.

314.8 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 medical examination, the notified supervisor should consider obtaining a court order for such an examination.

314.9 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.

314.9.1 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.
- (b) Notify the supervisor so an interagency response can begin.

314.10 STATE MANDATES AND OTHER RELEVANT LAWS

Missouri requires or permits the following:

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314.10.1 PROTECTIVE CUSTODY RECORDS

The Records Clerk shall ensure a confidential record is maintained of the date and time a child less than 17 years of age is taken into protective custody and the date and time the child is released from custody (§ 210.004, RSMo).

314.10.2 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.

314.10.3 CHILD FATALITY REVIEW PANEL

Child fatality review panels are required to investigate deaths of children that meet the criteria established by the Department of Social Services. This department shall cooperate fully with any such team and investigation (§ 210.192, RSMo).

314.10.4 CRIMINAL HISTORY CHECKS FOR PLACEMENT

A supervisor may assist the Department of Social Services by conducting a name-based criminal history record check through the Missouri Uniform Law Enforcement System (MULES) and the National Crime Information Center (NCIC) when an emergency placement is necessary (§ 210.482, RSMo).

314.10.5 SCHOOL PERSONNEL

Reports of child abuse committed by school personnel shall be investigated in accordance with § 160.261, RSMo, as applicable, to include working jointly with school officials, documenting all reports and independently arriving at a conclusion as to whether the abuse is substantiated.

314.11 TRAINING

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training may 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.

Missing Persons

315.1 PURPOSE AND SCOPE

This policy provides guidance for missing person investigations.

315.1.1 DEFINITIONS

Definitions related to this policy include:

At risk - Includes persons who:

- (a) Are 13 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. Physically or mentally disabled to the degree that he/she is dependent upon an agency or another individual (§ 43.400, RSMo).
 - 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 or missing under circumstances indicating that the person's safety may be in danger (§ 43.400, RSMo).
 - 6. In the company of others who could endanger his/her welfare.
 - 7. Absent in a way that is inconsistent with established patterns of behavior and cannot be readily explained. Most children have an established and reasonably predictable routine.
 - 8. A child missing under circumstances indicating that he/she is in the presence of, or under the control of, a person who is in violation of a permanent or temporary court order and either:
 - (a) 14 or more days have elapsed without the person seeking modification of the court order.
 - (b) There are reasonable grounds to believe that the child may be taken outside of the United States (§ 43.400, RSMo).
 - 9. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk.

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 National Center for Missing and

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Exploited Children, as appropriate, the Combined DNA Index System (CODIS), and the Missouri Uniform Law Enforcement System (MULES).

315.2 POLICY

The Nixa 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.

315.3 ATTEMPTED ABDUCTIONS

Officers or other members conducting the initial investigation of an attempted abduction should take the following investigative actions, as applicable:

- Respond to a dispatched call as soon as practicable.
- Interview the child and any witnesses to obtain any pertinent information.
- Promptly complete a report detailing the incident and advise the appropriate supervisor as soon as the report is ready for review and approval.

315.4 ACCEPTANCE OF REPORTS

Any member encountering a person 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.

315.4.1 REPORT REQUIREMENTS

The missing person report shall contain at a minimum (§ 43.401(1), RSMo):

- (a) The name of the reporting person.
- (b) The name, address, and phone number of the guardian, if any, of the missing person.
- (c) The relationship of the reporting person to the missing person.
- (d) The name, age, address and all identifying characteristics of the missing person.
- (e) The length of time the person has been missing.
- (f) Other information deemed relevant.

If the missing person is under the age of 17, as soon as practicable, a standardized missing child report shall be prepared (§ 43.401.1(3), RSMo). The missing child report shall be maintained as a record by the Department during the course of the investigation.

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For all reports involving a missing child, department personnel shall request that a member of the family or next of kin authorize the release of the medical and dental records of the missing child for analysis by the Missouri State Highway Patrol (§ 43.410.4, RSMo; § 43.410.5, RSMo).

315.5 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) 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).
- (d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 17 or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 17 years of age or may be at risk.
- (e) Ensure that entries are made into the appropriate missing person networks, as follows:
 - 1. Immediately, when the missing person is at risk.
 - 2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.
- (g) Collect and/or review:
 - 1. A photograph and fingerprint card of the missing person, if available.
 - 2. Any documents that may assist in the investigation, such as court orders regarding custody.
 - 3. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier (§ 392.415, RSMo).
- (i) 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. 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.

315.6 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.

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315.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but are not limited to:

- (a) Reviewing and approving missing person reports upon receipt.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing persons networks.
- (f) 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.

315.6.2 REPORT ROUTING RESPONSIBILITIES

The supervisor of an assigned member or investigator responsibilities shall include, as applicable:

- (a) As soon as reasonable under the circumstances, notify and forward 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) Notify and forward a copy of the report to the agency of jurisdiction where the missing person was last seen.
- (c) Notify and forward a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.
- (d) Forward a copy of the report to the Criminal Investigations.
- (e) Coordinate with the NCIC Terminal Contractor for Missouri to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

315.7 CRIMINAL INVESTIGATIONS FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- (a) Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
 - 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 person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available.

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- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update MULES, NCIC 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 Coroner.
- (h) Should obtain and forward medical and dental records, photos, X-rays and biological samples, as applicable.
- (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 the Missouri State Highway Patrol Missing Persons Unit and enter the photograph into applicable missing person networks (34 USC § 41308).
- (j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (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).

315.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned member or investigator shall document the location of the missing person in the appropriate report, notify the reporting party and other involved agencies and refer the case for additional investigation if warranted.

The supervisor of an assigned member or investigator shall ensure that, upon receipt of information that a missing person has been located, the following occurs:

- (a) Notification is made to the Missouri State Highway Patrol Missing Persons Unit.
- (b) A missing child's school is notified.
- (c) Entries are made in the applicable missing person networks.
- (d) When a person is at risk, the fact that the person has been found should be reported immediately to the Missouri State Highway Patrol Missing Persons Unit.
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

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315.8.1 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 into the NCIC Unidentified Person File.
- (c) Use available resources, such as those related to missing persons, to identify the person.

315.9 CASE CLOSURE

The Criminal Investigations 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 Nixa 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.
- (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.

315.10 TRAINING

Subject to available resources, the Training Officer 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 and catastrophe).
- (d) Verifying the accuracy of all descriptive information.

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- (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.

Public Alerts

316.1 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

316.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS) local radio, television and press organizations 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.

316.3 RESPONSIBILITIES

316.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Nixa Police Department should notify their supervisor, Shift Supervisor or Criminal Investigations supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

316.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Bureau 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 the following:

- (a) Updating alerts
- (b) Canceling alerts
- (c) Ensuring all appropriate reports are completed

316.4 MISSOURI AMBER ALERTS™

The Missouri AMBER Alert program coordinates the efforts of law enforcement, the media, and the public in an effort to safely recover abducted children. In the event of a suspected child abduction, a local AMBER Alert should be generated first, and, if the facts warrant, the alert should be expanded beyond the local plan to a Missouri AMBER Alert.

316.4.1 CRITERIA

A Missouri AMBER Alert is warranted when (11 CSR 30-10.020; § 210.1012, RSMo):

- (a) The missing child qualifies as an abducted child:

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1. A child age 17 or under whose whereabouts is unknown and who has been determined by local law enforcement to be:
 - (a) The victim of kidnapping or kidnapping in the first degree as defined by § 565.110, RSMo.
 - (b) The victim of the crime of child kidnapping as defined by § 565.115, RSMo, the statutory age limit notwithstanding.
- (b) The child is in the custody of someone other than a parent, guardian, or other official custodial entity or sufficient evidence exists to indicate that harm may come to a child from a parent, guardian, or other official custodial entity, and
- (c) Sufficient descriptive information exists to enhance the possibility of recovery, such as:
 1. The time and location of the incident.
 2. A physical description of the abducted child and his/her clothing, if known.
 3. A physical description and identity, if known, of the abductor and whether the abductor is armed.
 4. A vehicle description and direction of travel.

316.4.2 PROCEDURE

The following is the procedure for initiating a Missouri AMBER Alert:

- (a) Complete the Missouri AMBER Alert Abduction form, addressing any questions to the Missouri State Highway Patrol (MSHP) at 573-751-1000.
- (b) Fax the completed Missouri AMBER Alert form to MSHP Communications-Missouri AMBER Alert Notification at 573-751-6814.
- (c) Verify by telephone that the form was received.
- (d) Make a National Crime Information Center (NCIC) missing person entry using the Child Abduction (CA) flag through the law enforcement computer system available in your area such as the Missouri Uniform Law Enforcement System (MULES) or Regional Justice Information System (REJIS).
- (e) For a multi-state AMBER Alert request, these additional steps may be taken:
 1. A standard police dispatch must be sent to the Missouri control terminal with the address text field formatted, "Request AMBER Alert broadcast to XX, YY, and ZZ," with XX, YY and ZZ being two letter abbreviations for the requested state or states.
 2. Control terminal operators will appropriately code the message as an AMBER Alert and forward it to the appropriate adjacent state control terminals.
 3. If additional assistance is needed from other states, the Shift Supervisor or Criminal Investigations supervisor should contact the adjacent state's Missing Person Clearinghouses. A list of contact information for each state's

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clearinghouse is available on the website of the National Center for Missing and Exploited Children (NCMEC)(<http://www.missingkids.com>).

316.5 ENDANGERED SILVER ADVISORIES

An Endangered SILVER Advisory accomplishes the following:

- (a) All Missouri law enforcement agencies are notified through MULES and the Missouri Information Analysis Center (MIAC) e-mail alert.
- (b) Broadcasters and media are notified.
- (c) The MSHP Missing Persons Unit will be notified for support and resources.
- (d) The Department of Health and Senior Services Hotline will be notified.
- (e) The Missouri Department of Transportation will be notified to activate message signs, if practicable.

316.5.1 CRITERIA

An Endangered SILVER Advisory is warranted when:

- (a) A missing person is 60 years of age or older and believed to be suffering from dementia or other cognitive impairment.
- (b) A legal custodian of the missing person has submitted a missing person's report to the local law enforcement agency where the person went missing.
- (c) There is sufficient information available to disseminate to the public that could assist in locating the missing adult.

316.5.2 PROCEDURE

The following is the procedure for initiating an Endangered SILVER Advisory:

- (a) Create an NCIC message using the Endangered Missing (EME) code in MULES.
- (b) Fax the Endangered SILVER Advisory (EPA) form with attachments such as photographs and area maps, to the MSHP Troop F Headquarters at 573-751-6814.
- (c) Contact the MSHP Troop F Headquarters at 573-751-1000 to verify the information has been entered in MULES and NCIC and that the faxed form and attachment have been received.

316.6 MISSOURI ENDANGERED PERSON ADVISORY PLAN

An Endangered Person Advisory will accomplish the following:

- (a) Alerts will be made to all Missouri law enforcement agencies through MULES/REJIS.
- (b) Broadcasters and media will be notified by fax.
- (c) The MSHP Missing Persons Unit will be notified for support and resources.
- (d) The NCMEC will be contacted if the person is under the age of 18.

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316.6.1 CRITERIA

An Endangered Person Advisory is warranted when (§ 650.025, RSMo):

- (a) The circumstances do not meet the criteria for a Missouri AMBER Alert (if they meet the criteria for a Missouri AMBER Alert, immediately follow the protocol to issue a Missouri AMBER Alert).
- (b) The person is missing under unexplained, involuntary or suspicious circumstances.
- (c) The person is believed to be in danger because of age, health, mental or physical disability, and the environment or weather conditions; is in the company of a potentially dangerous person or some other factor that may put the person in peril.
- (d) There is information that could assist the public in the safe recovery of the missing person.

316.6.2 PROCEDURE

If all criteria exist, the Endangered Person Advisory can be initiated by taking the following actions:

- (a) Preparing the Endangered Person Advisory by using the Endangered Missing (EME) code in MULES.
- (b) Faxing the Endangered Persons Advisory form with attachments, such as photographs and area maps, to the MSHP Troop F Headquarters at 573-751-6814.
- (c) Contacting the MSHP Troop F Headquarters at 573-751-1000 to verify the information has been entered into MULES and NCIC and that the faxed form and attachment have been received.

316.7 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 (§ 650.520, RSMo).

316.7.1 CRITERIA

The following criteria are utilized to determine if a Blue Alert should be issued:

- (a) A law enforcement officer has been killed or seriously injured in the line of duty or is missing in connection with official duties.
- (b) There is an imminent and credible threat to kill or seriously injure a law enforcement officer.
- (c) There is actionable information known about the suspect to make public notification that would be helpful to law enforcement in locating the suspect.

316.7.2 PROCEDURE

The following is the procedure for initiating a Blue Alert:

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- (a) Complete the Blue Alert form available on the MSHP website and submit the form to the MSHP with available supporting documents, if available (i.e., photographs, area maps).
- (b) Confirm receipt of the submitted form.
- (c) Notify the department PIO that the alert has been requested to facilitate updates to the media, as appropriate.

Hate Crimes

317.1 PURPOSE AND SCOPE

The Nixa Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy has been developed to meet or exceed the provisions of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

317.1.1 FEDERAL JURISDICTION

Federal law prohibits discrimination-based acts. The U.S. Department of Justice (DOJ) may obtain jurisdiction over crimes of violence where the perpetrator has selected the victim because of the person's actual or perceived race, color, religion, national origin, sex, sexual orientation, gender identity or disability (18 USC § 245).

317.2 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.

317.3 CRIMINAL STATUTES

State law creates penalty enhancements to Class D or Class E felonies for identified crimes knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims (§ 557.035, RSMo).

317.4 PROCEDURE FOR INVESTIGATING HATE CRIMES

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) Officers will be promptly assigned to 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 "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims or arrest of suspects at the scene), the assigned officers will take all reasonable steps to preserve evidence that may tend to establish that a hate crime was involved.
- (d) The assigned officers will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.

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- (e) Depending on the situation, the assigned officers or supervisor may request additional assistance from investigators or other resources to further the investigation.
- (f) The assigned officers will include all available evidence indicating the likelihood of a hate crime in the relevant reports. All related reports will be clearly marked as "Hate Crime" and, absent prior approval of a supervisor, will be completed and submitted by the assigned officers before the end of the shift.
- (g) The assigned officers should also make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations.
- (h) 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 (e.g., a possible Temporary Protective Order through the courts or Prosecuting Attorney or City Attorney).

317.5 CRIMINAL INVESTIGATIONS RESPONSIBILITIES

If a case is assigned to the Criminal Investigations, the assigned investigator will be responsible for following up on the reported hate crime by:

- (a) Coordinating further investigation with the Prosecuting Attorney 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.

317.5.1 STATE HATE CRIME REPORTING

This department shall report hate crime offenses through Missouri's Uniform Crime Reporting (UCR) program at regular intervals as prescribed by rules adopted by the Missouri State Highway Patrol (MSHP). This shall be conducted by the Records Clerk or assigned to the Criminal Investigations.

317.5.2 FEDERAL HATE CRIME REPORTING

The Records Clerk should include hate crime data reporting within the National Incident Based Reporting System (NIBRS), Uniform Crime Report (UCR) and Summary Reporting System (SRS) reports pursuant to Records Unit procedures and in compliance with (28 USC § 534(a)).

317.6 TRAINING

All officers of this department shall receive training on hate crime recognition and investigation and shall attend annual training which incorporates a hate crime training component.

Standards of Conduct

318.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Nixa 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.

318.2 POLICY

The continued employment of every employee 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.

318.3 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Missouri 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.

318.3 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.

318.3.1 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

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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.

318.3.2 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, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
- (d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

318.4 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.

318.4.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, 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.

318.4.2 ETHICS

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Standards of Conduct

- (a) Using or disclosing one's status as a member of the Nixa Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for nondepartment 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.

318.4.3 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.

318.4.4 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.

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318.4.5 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.

318.4.6 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.

318.4.7 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 Human Resources Department of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

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318.4.8 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 work--related 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, 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 employment agreement, or the Chief of Police.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the employment agreement, or the Chief of Police.
- (i) Any act on- or off-duty that brings discredit to this department.

318.4.9 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

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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 employment agreement or contract to include 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.

318.4.10 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 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 to include loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.

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- (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.

318.4.11 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.

Report Preparation

319.1 PURPOSE AND SCOPE

Report preparation is a major part of each employee's job. The purpose of reports is to document sufficient information to refresh the employee's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formal and on-the-job training.

319.1.1 REPORT PREPARATION

Employees should ensure that their reports are sufficiently detailed for their purpose and reasonably free of errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty, unless permission to delay submission of 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 delayed.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, witnesses, all pertinent information seen, heard or assimilated by any other sense and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

319.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department-approved form unless otherwise approved by a supervisor.

319.2.1 CRIMINAL ACTIVITY REPORTING

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 incidents involving threats or stalking behavior
- (d) Situations covered by separate policy. These include:
 - (a) Use of Force Policy

Report Preparation

- (b) Domestic Violence Policy
- (c) Child Abuse Policy
- (d) Adult Abuse Policy
- (e) Hate Crimes 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., dispatch log).

319.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

- (a) Any use of physical force by a member of this department (see the Use of Force Policy)
- (b) Any firearm discharge (see the Firearms Policy)
- (c) Anytime a person is reported missing (regardless of jurisdiction) (see the Missing Person Reporting Policy)
- (d) Any found property or found evidence
- (e) Any traffic accidents above the minimum reporting level (see the Traffic Accident Response and Reporting Policy)
- (f) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy
- (g) All protective custody detentions
- (h) Suspicious incidents that may place the public or others at risk
- (i) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

319.2.3 DEATH REPORTS

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigation Policy. An officer handling a death investigation should notify and apprise a supervisor of the circumstances surrounding the incident and a determination will be made on how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

- (a) Sudden or accidental deaths
- (b) Suicides
- (c) Homicide or suspected homicide
- (d) Unattended deaths (no physician or qualified hospice care during the period immediately preceding death)

Report Preparation

- (e) Found dead bodies or body parts

319.2.4 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

- (a) The injury is a result of a drug overdose.
- (b) There is an attempted suicide.
- (c) The injury is major or serious, whereas death could result.
- (d) The circumstances surrounding the incident are suspicious and it is desirable to record the event.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

319.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all employees and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

319.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for department consistency.

319.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS

County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

319.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should reject the report stating the reasons for rejection. The original report should be returned to the reporting employee for correction as soon as practicable. It shall be the responsibility of the originating employee to ensure that any report returned for correction is processed in a timely manner.

319.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Unit 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 Records Unit may be corrected or modified by the authoring employee only with the knowledge and authorization of the reviewing supervisor.

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Report Preparation

Media Relations

320.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

320.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. However, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Bureau Commanders, Shift Supervisors and the designated Public Information Officer may prepare and release information to the media in accordance with this policy and the applicable law.

320.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

- (a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated department media representative.
- (b) In situations involving multiple law enforcement agencies or other criminal justice agencies including, but not limited to, prosecutors and coroners, 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 comments to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

320.3 MEDIA ACCESS

Authorized members of the media may be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities. Access by the media is subject to the following conditions:

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
 - 1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations.

Media Relations

- (c) No member of this department who is under investigation shall be required to submit to media visits or interviews without the consent of the involved employee.
- (d) 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.

A tactical operation should be handled in the same manner as a crime scene, except the news media may be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

320.3.1 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or officer 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 Supervisor. 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).

320.3.2 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of officers 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 news 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 minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

320.4 STATE RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department (see the Records Maintenance and Release of Personnel Files policies.) When in doubt, authorized and available legal counsel should be obtained.

Subpoenas and Court Appearances

321.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Nixa Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

321.2 POLICY

Nixa Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

321.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so.

A criminal subpoena may be served upon a member by personal service (Sup. Ct. Rule 26.02). A civil subpoena may be served upon a named member by personal service or by reading the subpoena to the named member (§ 491.120, RSMo).

A civil subpoena shall not be accepted unless appropriate witness fees are tendered as allowed by law (§ 491.130, RSMo; § 491.280, RSMo).

321.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of 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 Nixa Police Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Nixa 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.

Subpoenas and Court Appearances

321.3.2 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 City policy.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

321.3.3 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.

321.4 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.

321.5 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.

321.6 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) Dress in the department uniform or business attire.
- (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.

321.6.1 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.

321.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with city policy.

Outside Agency Assistance

322.1 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.

322.2 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Shift Supervisor for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Shift Supervisor 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. 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.

322.2.1 INITIATED ACTIVITY

Any on-duty 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 Nixa Police Department shall notify his/her supervisor or the Shift Supervisor and the Communications Center as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

322.2.2 MUTUAL AID AGREEMENTS

The Chief of Police may establish agreements for reciprocal law enforcement aid with other agencies, including those of neighboring states, provided those agreements comply with state law.

322.3 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.

Outside Agency Assistance

322.4 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 Supervisor.

322.5 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 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 supplies and equipment.
 - 2. The members trained in the use of the supplies and equipment.
- (c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to the Communications Center and the Shift Supervisor to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Officer should maintain documentation that the appropriate members have received the required training.

322.6 POLICY

It is the policy of the Nixa 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.

Major Incident Notification

323.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

323.2 POLICY

The Nixa 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.

323.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected Bureau Commander. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Homicides, suspicious deaths or deaths related to law enforcement activity
- Traffic collisions with fatalities
- Officer-involved shooting, whether on- or off-duty (see Officer-Involved Shootings and Deaths Policy for special notifications)
- Significant injury or death to an employee, whether on- or off-duty
- Death of a prominent Nixa official
- Arrest of department employee or prominent Nixa official
- Aircraft, train, boat or other transportation accidents with major damage and/or injury or death
- Death of a person in custody
- Use of Force resulting in serious injury
- Abductions or Kidnappings
- Vehicle Pursuits
- Any other incident, which has or is likely to attract significant media attention

323.4 SHIFT SUPERVISOR RESPONSIBILITIES

The Shift Supervisor is responsible for making the appropriate notification. The Shift Supervisor shall make reasonable attempts to obtain as much information on the incident as possible before notification, and shall attempt to make the notification as soon as practicable.

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Major Incident Notification

323.4.1 STAFF NOTIFICATION

In the event an incident occurs as identified in the Minimum Criteria for Notification above, the Chief of Police shall be notified along with the affected Bureau Commander and the Criminal Investigations Bureau Commander if that bureau is providing assistance.

323.4.2 PUBLIC INFORMATION OFFICER

After members of the staff have been notified, the Public Information Officer should be called if it appears the media may have a significant interest in the incident.

Forwarding Arrest Information to the Central Repository

324.1 POLICY STATEMENT

The Nixa Police Department documents and forwards certain arrest information to the State's Central Repository as required by 577.005 of RSMo.

324.2 PURPOSE

For the purpose of maintaining complete and accurate criminal history record information, all police officers of this department, shall submit all intoxication-related information to the central repository for filing without undue delay in the form and manner required by sections 43.500 to 43.543.

1. All police officers of the Department shall forward all arrest information for all intoxication-related traffic offenses to the central repository as required by section 43.503 RSMo.
2. All police officers shall furnish without undue delay, to the central repository, fingerprints, photograph, and if available, any other unique biometric identification collected, charges, appropriate charge codes, and descriptions of all persons who are arrested for such offenses on standard fingerprint forms supplied or approved by the highway patrol or electronically in a format and manner approved by the highway patrol and in compliance with the standards set by the Federal Bureau of Investigation in its Automated Fingerprint Identification System or its successor program.

Death Investigation

325.1 PURPOSE AND SCOPE

The investigation of cases involving a death includes those ranging from natural causes to homicide. 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 to include evidence gathering and witness identification is paramount.

325.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Emergency Medical Services shall be called in all suspected death cases, unless the death is obvious (e.g., the person has been decapitated or the body is decomposed). Officers are not authorized to pronounce death unless they are also a Coroner, a Deputy Coroner or an appointed Coroner Investigator. A supervisor shall be notified in all death investigations.

325.2.1 CORONER REQUEST

The office of the Coroner shall be called and provided with known facts concerning the time, place, manner and circumstances of the death involving any of the following circumstances (§ 58.720.1, RSMo; § 58.720.2, RSMo):

- (a) Violence by homicide, suicide or accident
- (b) From thermal, chemical, electrical or radiation injury
- (c) From criminal abortion, including any situation where such abortion may have been self-induced
- (d) From a disease which may be hazardous, contagious, may constitute a threat to the health of the general public or when a person dies
- (e) When the death was sudden and happened to a person who was in good health
- (f) Where no physician, chiropractor or accredited Christian Science practitioner is in attendance within the 36-hour period immediately preceding death
- (g) While in the custody of law enforcement officials or while incarcerated in a public institution
- (h) From external violence, unexplained cause or under suspicious circumstances
- (i) When a death occurs outside a licensed health care facility and a member of this department is the first official to learn of the death

325.2.2 SEARCHING DEAD BODIES

The Coroner or an assistant and authorized investigators are generally the only persons that should move, handle or search a body. The Coroner, with the permission of the Department, may take property, objects or articles found on the deceased or in the deceased's immediate vicinity

Death Investigation

that may be necessary for conducting an investigation to determine the identity of the deceased or the cause or manner of death.

Should exigent circumstances indicate to an officer that any other search of a known dead body is warranted prior to the arrival of the Coroner, the investigating officer should first obtain verbal consent from the Coroner when practicable.

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 a donor. If a donor document is located, the Coroner shall be promptly notified.

Whenever reasonably possible, a witness, preferably a relative of 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 Coroner. The name and address of this person shall be included in the narrative of the death report.

Whenever personal effects are removed from the body of the deceased by the Coroner, a receipt shall be obtained. This receipt shall be attached to the death report.

325.2.3 DEATH NOTIFICATION

When reasonably practicable, and if not handled by the Coroner, 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 the relatives live outside this county, the Coroner may be requested to make the notification. The Coroner needs to know if notification has been made. Assigned officers/deputies may need to talk to the next-of-kin.

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 in appropriate reports and properly retained.

325.2.4 UNIDENTIFIED BODIES DATA ENTRY

As soon as reasonably possible, but no later than 30 working days after the date a death is reported to the Department, all available identifying features of the unidentified body, including dental records, fingerprints, any unusual physical characteristics and a description of clothing or personal belongings found on or with the body, should be forwarded to the appropriate agency for entry into the Missouri state database and the National Crime Information Center (NCIC) file.

325.2.5 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 Support Bureau shall be notified to determine the possible need for an investigator to respond to the scene for further immediate investigation.

Death Investigation

If the on-scene supervisor, through consultation with the Shift Supervisor or Criminal Investigations supervisor, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

The assigned investigator investigating a homicide or a death under suspicious circumstances may, with the approval of his/her supervisor, request the Coroner to conduct physical examinations and tests, and to provide a report.

325.2.6 EMPLOYMENT-RELATED DEATHS OR INJURIES

Any member of this agency 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, may ensure that the regional Occupational Safety and Health Administration (OSHA) office is notified by telephone or teletype with all pertinent information.

Identity Theft

326.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

326.2 REPORTING

- (a) Upon request from a victim, officers shall complete a report for identity theft crimes occurring in the City, and for victims who either reside or are present in the City regardless of where the crime occurred (§ 595.232, RSMo).
- (b) If the identity theft crime did not occur in the City or the victim is not a resident, the officer may complete a courtesy report to be forwarded to the agency where the crime was committed or, if the location is unknown, to the victim's residence agency.
- (c) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction that have resulted from the original identity theft (e.g., the identity theft occurred elsewhere but the fraud, usage of services or receipt of goods were acquired or occurred in this jurisdiction).
- (d) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).
- (e) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and Department of Motor Vehicles) with all known report numbers.
- (f) Following supervisory review and department processing, the initial report should be forwarded to the appropriate investigator for follow-up investigation, coordination with other agencies and prosecution as circumstances dictate.

326.3 PREVENTIVE MEASURES

The victim should be advised to place a security freeze on his/her consumer report with the three major credit bureaus. A victim may also access the Missouri Attorney General's website for further information.

The victim may file an identity theft complaint with the Missouri Attorney General's Office, Consumer Protection Unit.

326.4 INFORMATION

The victim should be encouraged to contact the Federal Trade Commission (FTC), which is responsible for receiving and processing complaints under the Identity Theft and Assumption Deterrence Act. The victim can contact the FTC online at <http://www.ftc.gov/bcp/menus/consumer/data/idt.shtm> or by telephone at 877-ID Theft (877-438-4338). Additional information may be found at the U.S. Department of Justice website, <http://www.usdoj.gov>, or a regional FBI division website.

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Identity Theft

Private Person's Arrests

327.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for handling private person's arrests and detentions made pursuant to Missouri law.

327.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

Officers should use sound discretion in determining whether to advise an individual of the arrest process.

- (a) When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest, as listed below.
- (b) Private individuals should be discouraged from using force to effect a private person's arrest. Absent an immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

327.3 ARRESTS BY PRIVATE PERSONS

A private person may arrest another under the following circumstances (§ 563.051, RSMo):

- (a) When directed by any peace officer to assist a peace officer.
- (b) When there is a reasonable belief that an offense has been committed and the person to be arrested has committed the offense, when the private person's actions are immediately necessary to arrest the person or prevent his/her escape from custody.

327.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person who has made a private person's arrest must determine whether there is reasonable cause to believe that such an arrest would be lawful.

- (a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, to determine the lawfulness of the arrest and protect the public safety.
 - 1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The officer must include the basis of such a determination in a related report.
 - 2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should

Private Person's Arrests

advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

- (b) Whenever an officer determines that there is reasonable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:
 - 1. Take the individual into physical custody for booking.
 - 2. Release the individual upon a misdemeanor citation or pending formal charges.

327.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a written statement. If the person fails or refuses to do so, the arrested subject shall be released unless the officer has an independent reason to take the person into custody.

In addition to the written statement (and any other related documents, such as citations and booking forms), officers shall complete a narrative report regarding the circumstances and disposition of the incident.

Communications with Persons with Disabilities

328.1 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.

328.1.1 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; use of a notepad and pen or pencil to exchange written notes; use of a computer or typewriter; use of an assistive listening system or device to amplify sound; use of a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or use of a qualified interpreter.

Disability or impairment – A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102). This includes a speech disability that prevents a person from speaking clearly or understandably in a normal conversational tone, regardless of the use of assistive devices (§ 209.261, RSMo).

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters. Qualified interpreters should have a valid certification issued by the Missouri Commission for the Deaf and Hard of Hearing and a license issued by the Division of Professional Registration (§ 209.285, RSMo; § 209.321, RSMo; 5 CSR 100-200.035).

328.2 POLICY

It is the policy of the Nixa 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.

328.3 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

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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 their 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.

328.4 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.

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 that 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

Communications with Persons with Disabilities

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, hard of hearing or has impaired speech must be handcuffed while in the custody of the Nixa 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.

328.5 TYPES OF ASSISTANCE AVAILABLE

Nixa Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they 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 individuals who are disabled through a variety of services.

A person who is disabled 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.

328.6 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, for example a personnel complaint form, or provide forms with enlarged print.

328.7 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. 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.

Qualified 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).

Communications with Persons with Disabilities

- (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).

328.8 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, 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).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

328.9 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 when appropriate. 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.

328.10 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):

Communications with Persons with Disabilities

- (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.

328.11 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.

328.12 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 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.

328.12.1 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:

Communications with Persons with Disabilities

- (a) Hand gestures or visual aids with an individual who is deaf, 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.

328.13 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide 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. 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.

In order 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.

328.14 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 or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, 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.

Communications with Persons with Disabilities

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

328.15 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 department 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.

328.16 TRAINING

To ensure that all members who may have contact with individuals who are disabled 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 Officer shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who 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 Officer shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

Emergency Status

329.1 POLICY

It is the policy of the Nixa Police Department to place public safety as its top priority even above the convenience and transport for the motoring public; however, the ability of emergency vehicles to move freely throughout the city occasionally affects that mission. Therefore, the following protocols should be implemented during severe weather events or other catastrophic incidents that create hazardous situations and/or extreme congestion over a large area of the community.

329.2 DEFINITIONS

Localized, Regional or National Emergency: Any event, manmade or natural, that creates a substantial impact or hardship upon the resources of the Nixa Police Department and/or the City of Nixa. While a defined list of all localized emergencies is not possible to create or anticipate, examples would include tornados, earthquakes, major snow or ice storms, extreme flooding, active shooters, large-scale industrial accidents, etc. For the purpose of simplicity, this policy will use the term “Localized Emergency,” however, the same actions can apply for Regional or National Emergencies if the events create a substantial impact or hardship for the Nixa Police Department and/or the City of Nixa.

Calls for Service: Any Call for Service generated that requires a response from the Nixa Police Department

Emergency Status: A declaration to operate under “Emergency Status” results from a Localized Emergency that creates a substantial impact or hardship upon the resources of the Nixa Police Department and/or the City of Nixa, and permits the prioritization of Calls for Service based upon the level of significance and further authorizes police staff to eliminate or postpone responses to non-emergency calls for service.

Traffic Emergency Status: A declaration to operate under a “Traffic Emergency Status” results from a localized emergency that creates a substantial impact or hardship upon the resources of the Nixa Police Department and/or the City of Nixa, and greatly affects the police department’s ability to respond to large volumes of motor vehicle accidents during a short period of time.

329.3 PROCEDURES

1. Upon declaration of a Localized Emergency by the Mayor, City Administrator and/or Chief of Police, the Nixa Police Department may institute an Emergency Status and/or a Traffic Emergency Status.
2. In the event of either, the following will be notified of the declaration
 - (a) City Council
 - (b) Local media
 - (c) Christian County Emergency Services (911 Dispatch)

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- (d) Communications Director
- 3. The Communication Director for the City of Nixa will keep media outlets informed of all current and changing conditions, and provide updates to the situation related to either Emergency Status declaration
 - (a) Citizens should be informed of the purpose for the declaration, and provided instructions on how to gain useful information related to the Localized Emergency through any one or more of the following depending upon the circumstances of the particular event
 - (a) The City of Nixa Web Site
 - (b) The City of Nixa Facebook Page
 - (c) The City of Nixa Snow Route Map
 - (d) The Missouri Department of Transportation
 - (e) The Office of Emergency Management for Christian County
 - (b) Citizens should be informed that police officers will only respond to:
 - (a) Priority Calls for Service related to the general safety and welfare of the public
 - (b) Motor vehicle accidents involving injuries, suspected impaired drivers, or accidents where one vehicle leaves the scene of the accident (hit and run)
 - (a) Motorists involved in non-injury accidents should be instructed to exchange driver's information and insurance data, and directed to file accident reports with the police department after the Emergency Status has been lifted.
- 4. Field units will be utilized to monitor developing or changing conditions, and forward the information to the Chief of Police and/or City Administrator for a constant review of the Localized Emergency

329.4 PATROL RESPONSES

- 1. After the declaration of an Emergency Status or Traffic Emergency Status, police officers will only respond to the following Calls for Service
 - (a) Priority Calls for Service related to the general safety and welfare of the public
 - (b) Motor vehicle accidents involving injuries, suspected impaired drivers, or accidents where one vehicle leaves the scene of the accident (hit and run)
 - (c) Motor vehicles that are stranded and require removal for the safe passage of other vehicles (blocking roadways, intersections, etc)
 - (d) Other activities as designated by the City Administrator, Chief of Police or field supervisors that support the concept and activities of protecting the general safety and welfare of the public, while also protecting the resources required to operate efficiently during a Localized Emergency.

Pupil Arrest Reporting

330.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the procedures to follow when a pupil is arrested for specific offenses (§ 167.115.1, RSMo).

330.2 PUPIL ARREST REPORTING

In the event a school pupil is arrested for committing any acts provided in § 167.115.1, RSMo, the arresting officer shall include in the report the necessary information to ensure that the Records Unit notifies the superintendent or an appropriate designee of the school district in which the pupil is enrolled:

- First- or second-degree murder (§ 565.020, RSMo; § 565.021, RSMo)
- Kidnapping as it existed prior to January 1, 2017 (§ 565.110, RSMo)
- Kidnapping in the first degree (§ 565.110, RSMo)
- First-degree assault (§ 565.050, RSMo)
- Second-degree assault as it existed prior to January 1, 2017 (§ 565.060, RSMo)
- Second-degree assault (§ 565.052, RSMo)
- Rape or sodomy in the first degree (§ 566.030, RSMo; § 566.060, RSMo)
- First-degree burglary (§ 569.160, RSMo)
- First-degree robbery as it existed prior to January 1, 2017 (§ 569.020, RSMo)
- First-degree robbery (§ 570.023, RSMo)
- Distribution of drugs, including distribution to a minor as it existed prior to January 1, 2017 (§ 195.211, RSMo; § 195.212, RSMo)
- Manufacture of a controlled substance (§ 579.055, RSMo)
- Delivery of a controlled substance (§ 579.020, RSMo)
- First-degree arson (§ 569.040, RSMo)
- Voluntary and involuntary manslaughter (§ 565.023, RSMo; § 565.024, RSMo; § 565.027, RSMo)
- Rape in the second degree or sodomy in the second degree (§ 566.031, RSMo; § 566.040, RSMo; § 566.061, RSMo; § 566.070, RSMo)
- Felonious restraint as it existed prior to January 1, 2017 (§ 565.120, RSMo)
- Second-degree kidnapping committed after December 31, 2016 (§ 565.120, RSMo)
- Property damage in the first degree (§ 569.100, RSMo)

Pupil Arrest Reporting

- Possession of a weapon (Chapter 571, RSMo)
- Child molestation as it existed prior to January 1, 2017 (§ 566.067, RSMo)
- First-, second- or third-degree child molestation committed after December 31, 2016 (§ 566.067, RSMo; § 566.068, RSMo; § 566.069, RSMo)
- Sexual misconduct involving a child (§ 566.083, RSMo)
- Sexual abuse in the first degree (§ 566.100, RSMo)

330.2.1 RECORDS CLERK RESPONSIBILITIES

The Records Clerk shall be responsible for ensuring that (§ 167.115.2, RSMo):

- (a) The school superintendent or an appropriate designee is notified within five days of a petition being filed against a pupil.
- (b) The notification, either written or verbal shall:
 1. Provide a complete description of the conduct the pupil is alleged to have committed.
 2. Provide the dates the conduct occurred.
 3. Have the names of any victims redacted prior to the notification.

330.2.2 PUPIL ARREST AFTER NOTIFICATION

Based upon the circumstances of the investigation, it may be appropriate to notify the school prior to the arrest. Prior notification and assistance from the school may reduce disruption to school operations and other students.

330.2.3 PUPIL ARREST BEFORE NOTIFICATION

Based upon the circumstances of the investigation, it may be appropriate to arrest the pupil before notifying the school. This may be appropriate if the pupil is a flight risk, if prior notification will impede the investigation or if notification creates additional risks to students, faculty, the officer or the public.

Proper notification to the school after the pupil's arrest should then be made when circumstances reasonably allow.

330.2.4 PARENTAL NOTIFICATION

Upon arrest, it is the arresting officer's responsibility to ensure that the parents of the arrested pupil are properly notified. Notification shall be made by the officer, regardless of subsequent notifications by the juvenile detention facility. Notifications should be documented and include the charges and information regarding where the pupil will be taken.

Biological Samples

331.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples collected from those required to register, for example, as sex offenders.

331.2 POLICY

The Nixa Police Department will assist in the expeditious collection of required biological samples from arrestees and offenders in accordance with the laws of this state and with as little reliance on force as practicable.

331.3 PERSONS SUBJECT TO DNA COLLECTION

The following persons must submit a biological sample (§ 650.055, RSMo):

- (a) Persons convicted of felonies or sex offenses under Chapter 566, RSMo, who are not going to be supervised by the Missouri Department of Corrections.
- (b) Arrestees who are 17 years or older and arrested for:
 - 1. Burglary in the first degree (§ 569.160, RSMo).
 - 2. Burglary in the second degree (§ 569.170, RSMo).
 - 3. A felony offense under Chapter 565, RSMo (crimes against persons), Chapter 566, RSMo (sex offenses), Chapter 567, RSMo (crimes against family), Chapter 568, RSMo (prostitution) or Chapter 573, RSMo (pornography).

331.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall attempt to obtain the sample in accordance with this policy.

331.4.1 COLLECTION

The following steps should be taken to collect a sample:

- (a) Verify that the individual is required to provide a sample (§ 650.055, RSMo).
- (b) Verify that a biological sample has not been previously collected from the offender by querying the Missouri Uniform Law Enforcement System (MULES) or contacting the Profiling Section of the Missouri State Highway Patrol (MSHP) Crime Lab. There is no need to obtain a biological sample if one has been previously obtained.
- (c) Use the designated collection kit provided by the MSHP to perform the collection and take steps to avoid cross contamination.

Biological Samples

331.5 USE OF FORCE TO OBTAIN SAMPLES

If a person refuses to cooperate with the sample collection process, officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

- (a) The person's parole or probation officer when applicable.
- (b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.
- (c) The judge at the person's next court appearance.
- (d) The person's attorney.
- (e) A chaplain.
- (f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.
- (g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

331.5.1 VIDEO RECORDING

A video recording should be made any time force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the department's records retention schedule.

331.6 LEGAL MANDATES AND RELEVANT LAWS

Missouri law provides for the following:

331.6.1 COMMUNICATION TO PERSON PROVIDING SAMPLE

Upon inquiry, the person providing the sample should be informed:

- (a) That he/she is required by state law to provide a biological sample.
- (b) That there is no right to refuse the collection.
- (c) That the sample will be sent to the MSHP Crime Lab for analysis and entry into the Combined DNA Index System (CODIS).

331.6.2 EXPUNGEMENT

If the prosecutor decides not to file charges, the sample taken upon arrest must be expunged. It is the responsibility of the arresting officer to notify the MSHP by completing and sending an

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Expungement Notification Form (SHP-420) within 90 days so that the sample may be removed from the database (§ 650.055, RSMo).

Chaplains

332.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Nixa Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

See attachment: [General Order 20-05.pdf](#)

332.2 POLICY

The Nixa Police Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

332.3 ELIGIBILITY

Requirements for participation as a chaplain for the Department may include, but are not limited to:

- (a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.
- (b) Managing their households, families and personal affairs well.
- (c) Having a good reputation in the community.
- (d) Successful completion of an appropriate-level background investigation.
- (e) Possession of a valid driver license.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

332.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Nixa 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 department personnel before appointment.

332.4.1 RECRUITMENT

Chaplains should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity and nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the Department in serving the public. Chaplain candidates are encouraged to participate in ride-alongs with department members before and during the selection process.

332.4.2 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

- (a) Submit the appropriate written application.

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- (b) Include a recommendation from employers or volunteer programs.
- (c) Interview with the Chief of Police.
- (d) Successfully complete an appropriate-level background investigation.
- (e) Complete an appropriate probationary period as designated by the Chief of Police.

Chaplains are volunteers and serve at the discretion of the Chief of Police. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain 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.

332.5 IDENTIFICATION AND UNIFORMS

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by officers through the inclusion of "Chaplain" on the uniform and not reflect any religious affiliation.

Chaplains will be issued Nixa Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Nixa Police Department identification cards, with the exception that "Chaplain" will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this department.

332.6 DUTIES AND RESPONSIBILITIES

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Operations Bureau. Chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Nixa Police Department.

332.6.1 COMPLIANCE

Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteers Policy and other applicable policies.

Chaplains

332.6.2 OPERATIONAL GUIDELINES

- (a) Generally, each chaplain will serve with Nixa Police Department personnel a minimum of eight hours per month.
- (b) Chaplains shall be permitted to ride with officers during any shift and observe Nixa Police Department operations, provided the Shift Supervisor has been notified and has approved the activity.
- (c) Chaplains shall not be evaluators of members of the Department.
- (d) In responding to incidents, a chaplain shall never function as an officer.
- (e) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.
- (f) Chaplains shall serve only within the jurisdiction of the Nixa Police Department unless otherwise authorized by the Chief of Police or the authorized designee.
- (g) Each chaplain shall have access to current department member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the data.

332.6.3 ASSISTING DEPARTMENT MEMBERS

The responsibilities of a chaplain related to department members include, but are not limited to:

- (a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.
- (b) Visiting sick or injured members in the hospital or at home.
- (c) Attending and participating, when requested, in funerals of active or retired members.
- (d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.
- (e) Providing counseling and support for members and their families.
- (f) Being alert to the needs of members and their families.

332.6.4 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this department include, but are not limited to:

- (a) Assisting members in the diffusion of a conflict or incident, when requested.
- (b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Shift Supervisor or supervisor aids in accomplishing the mission of the Department.
- (c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.

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- (d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.
- (e) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
- (f) Participating in in-service training classes.
- (g) Willingness to train others to enhance the effectiveness of the Department.

332.6.5 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

- (a) Fostering familiarity with the role of law enforcement in the community.
- (b) Providing an additional link between the community, other chaplain coordinators and the Department.
- (c) Providing liaison with various civic, business and religious organizations.
- (d) Promptly facilitating requests for representatives or leaders of various denominations.
- (e) Assisting the community in any other function as needed or requested.
- (f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

332.6.6 CHAPLAIN MEETINGS

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

332.7 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Department may work or volunteer for the Nixa Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications (§ 491.060(4), RSMo). In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Nixa Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

332.8 TRAINING

The Department will establish a minimum number of training hours and standards for department chaplains. The training, as approved by the Training Officer, may include:

- Stress management
- Death notifications

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- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Suicide
- Officer injury or death
- Sensitivity and diversity

Child and Dependent Adult Safety

333.1 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.

333.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when a parent or caregiver is arrested. The Nixa Police Department will endeavor to create a strong cooperative relationship with local 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.

333.3 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.

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults.
- (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 take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of 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 he/she will be provided care.

333.3.1 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.

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.

Officers should allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate

Child and Dependent Adult Safety

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 dependents. The result of such actions should be documented in the associated report.

333.4 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 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.

333.5 TRAINING

The Training Officer is responsible to ensure 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

334.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Nixa Police Department recognizes this need and is committed to making reasonable modifications to its policies, practices and procedures in accordance with Title II of the Americans with Disabilities Act (ADA) and Missouri law to permit the use of service animals that are individually trained to assist a person with a disability.

334.2 SERVICE ANIMALS

The ADA defines a service animal as any dog or miniature horse that is individually 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 owner's disability (28 CFR 35.104).

334.2.1 STATE LAW

A "service dog" means any dog specifically trained to assist a person with a physical or mental disability by performing necessary physical tasks or doing work which the person cannot perform. This includes dogs that are used for guiding, hearing, mobility and medical alerts, as well as search-and-rescue dogs that help a person from becoming lost (§ 209.150.4, RSMo; § 209.200(2), RSMo).

334.2.2 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

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.
- 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

Service Animals

schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

334.3 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Nixa Police Department affords to all members of the public (§ 209.150.1, RSMo).

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, the employee may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the partner/handler takes prompt, effective action to control the animal. 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 as are reasonably available to the individual with a disability.

If it is apparent or if the employee is aware the animal is a service animal, the owner 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 employee should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the 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 question as to the animal's status should be asked. The person should not be asked questions about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

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.

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 permit service animals to accompany their partner/handler in all areas that other customers or members of the public are allowed.

Absent a violation of law independent of ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of their disability should be referred to the Civil Rights Division of the U.S. Department of Justice.

Volunteers

335.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, licensed officers and civilian personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase department responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

335.1.1 DEFINITIONS

Definitions related to this policy include:

Volunteer - An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid officers, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

335.1.2 VOLUNTEER ELIGIBILITY

Requirements for participation as an Nixa Police Department volunteer include:

- (a) At least 18 years of age for all positions.
- (b) A valid driver license if the position requires vehicle operation.
- (c) No conviction of a felony, any crime of a sexual nature, any crime related to moral turpitude or any crime related to impersonating a peace officer.
- (d) No conviction of a misdemeanor crime within the past 5 years, excluding petty traffic offenses.
- (e) No condition of mental illness or chemical dependency that may adversely affect the person's ability to serve in the position.
- (f) Physical requirements reasonably appropriate to the assignment.
- (g) A personal background history and character suitable for a person representing the Department, as validated by a background investigation.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualification of the individual.

335.2 VOLUNTEER MANAGEMENT

335.2.1 SCREENING

All prospective volunteers should complete the volunteer application form. A face-to-face interview with the applicant should be conducted.

Volunteers

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

- (a) Traffic and criminal background check
- (b) Employment
- (c) References
- (d) Fingerprint check

A truth verification exam may be required of each applicant depending on the type of assignment.

A volunteer whose assignment requires the use of, access to or places him/her in the vicinity of criminal histories, investigative files or information portals shall require submission of prints and clearance through MSHP and the FBI.

335.2.2 SELECTION AND PLACEMENT

Service as a volunteer shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department. . No volunteer should begin performance of any position until he/she has been officially accepted for that position and completed all necessary screening and documentation.

At the time of final acceptance, each volunteer should complete all necessary enrollment documentation with the Department.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and with the needs of the Department.

Reserve Unit volunteers are generally assigned to augment regular staffing levels.

335.2.3 EMPLOYEES WORKING AS RESERVE

Licensed employees of this department, when authorized, may also serve as reserve officers. However, the Department must not utilize the services of a reserve or volunteer in such a way that it would violate employment laws or labor agreements (example: a detention officer working as a reserve officer for reduced or no pay). Therefore, the Reserve Coordinator should consult the Human Resources Department prior to an employee serving in a reserve, auxiliary or volunteer capacity (29 CFR 553.30).

335.2.4 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by licensed officers. No volunteer shall wear his/her uniform or identifiable parts of that uniform while off-duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

Volunteers

335.3 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to private and confidential information, such as criminal histories or investigative files. Unless otherwise directed by a supervisor, the duties of the position or department policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by department policy and supervisory personnel.

Each volunteer will receive training in data practices and be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any private or confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

335.4 PROPERTY AND EQUIPMENT

Volunteers may be issued an identification card that must be worn and visible at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

335.4.1 VEHICLE USE

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete:

- (a) A driving safety briefing.
- (b) Verification that the volunteer possesses a valid driver license.

When operating a department vehicle, volunteers shall obey all rules of the road, including seat belt requirements.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and is being operated for maintenance purposes only; that it is being operated during an approved skills course; that it is being used to transport equipment; that it is being used to provide supplementary assistance under the direction of an on-duty licensed officer. Volunteers are not authorized to operate a department vehicle for enforcement patrol operations or under emergency conditions (lights and siren).

335.5 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police. Volunteers shall have no property interests in their continued appointment. However, if a volunteer

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is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing. The hearing shall be limited to a single appearance before the Chief of Police or the authorized designee.

Volunteers may resign from volunteer service at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

335.6 RELEASE AGREEMENT

Prior to performing any volunteer services each volunteer must sign an approved release agreement as approved by the Chief of Police.

Native American Graves Protection and Repatriation

336.1 PURPOSE AND SCOPE

This policy is intended to 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.).

336.1.1 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.

336.2 POLICY

It is the policy of the Nixa 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.

336.3 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.

Native American Graves Protection and Repatriation

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):

- When appropriate, the Coroner.
- Federal land - Appropriate agency at the U.S. Department of the Interior or the U.S. Department of Agriculture
- State land - Appropriate Missouri land management agency.
- Tribal land - Responsible Indian tribal official.

336.4 EVIDENCE AND PROPERTY RELEASE

If a location has been investigated as a possible homicide scene prior to its 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

337.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the Nixa Police Department with respect to taking law enforcement action while off-duty.

337.2 POLICY

Officers generally should not initiate law enforcement action while off-duty. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

When the safety of the public or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

Officers are not expected to place themselves in unreasonable peril. 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 may take reasonable action to minimize the threat.

337.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations, state law and department policy. When carrying firearms while off-duty, officers shall also carry their department- identification.

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 any combination thereof that would tend to adversely affect the member's senses or judgment.

337.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, when considering whether or not to intervene, off-duty officers must evaluate whether the action is necessary or desirable and should take into consideration:

- (a) The tactical disadvantage of being alone and that there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, oleoresin capsicum (OC) spray or a baton.
- (d) The lack of cover.

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- (e) The potential for increased risk to bystanders if the off-duty officer were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive and gather as much accurate intelligence as possible, instead of immediately intervening.

337.4.1 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. The operator should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as a police officer until acknowledged. Official identification should also be displayed.

337.4.2 INCIDENTS OF PERSONAL INTEREST

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances, officers should call the responsible agency to handle the matter.

337.4.3 CIVILIAN RESPONSIBILITIES

Civilian personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

337.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

337.5 REPORTING

Any officer, prior to taking any off-duty enforcement action, shall notify and receive approval of a supervisor (or other applicable law enforcement authority) if acting outside the jurisdiction of the Nixa Police Department. If prior contact is not reasonably possible, an officer shall notify the applicable local law enforcement agency as soon as reasonably practicable. The Shift Supervisor shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

Department Use of Social Media

338.1 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.
- 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).

338.1.1 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.

338.2 POLICY

The Nixa Police Department may use social media as a method of effectively informing the public about department services, issues, investigations 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.

338.3 AUTHORIZED USERS

Only members authorized by the Chief of Police 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.

338.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.

Examples of appropriate content include:

Department Use of Social Media

- (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) Press releases.
- (h) Recruitment of personnel.

338.4.1 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.

338.5 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 Nixa 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.

338.5.1 PUBLIC POSTING PROHIBITED

Department social media sites shall be designed and maintained to prevent posting of prohibited content by the public.

The Department may provide a method for members of the public to contact department members directly.

Department Use of Social Media

338.6 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.

338.7 RETENTION OF RECORDS

The Support Bureau Commander should work with the Public Information Officer 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.

338.8 TRAINING

Authorized users of social media 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.

Digital Fingerprinting - Rapid ID Device Policy

339.1 PURPOSE

To provide guidelines for the issuance, training, and use of the Rapid ID Digital Fingerprint Device.

339.2 POLICY

It is the policy of the Nixa Police Department to provide its members with the most current, cutting edge technology in the effort to apprehend criminals and fulfill its mission to provide the citizens of this city a safer Nixa.

1. The issuance and use of the Rapid ID Device (RIDD) is intended to provide members with a specialized tool to assist in the positive identification of individuals under appropriate circumstances,
2. RIDD may be used in a variety of circumstances; however, members must be aware there are specific requirements and guidelines for its use.

339.3 DEFINITIONS

1. Rapid ID Device – (RIDD) A handheld, wireless supported scanning device that communicates via the Mobile Data Computer to the Missouri State Highway Patrol's AFIS database. The device checks two fingerprints obtained from the suspects roadside against wants and warrants and can provide positive identification and a Criminal History if electronic prints exist in the Missouri State Highway Patrol's AFIS database.

339.4 RESPONSIBILITIES

1. Authority to issue or approve RIDD to members shall be a vested Livescan Administrator or direct supervisor to include corporals, sergeants, and lieutenants.
2. Only devices that conform to the standards as set forth by the Missouri State Highway Patrol will be approved.
3. The Livescan Administrator or Sergeant/Lieutenant of the training unit will be responsible for overseeing the development and administration of the training process for assuring proficiency of instructors and operators with the Rapid ID Digital Fingerprinting Device. This shall include but not limited to:
 - (a) Ensuring lesson plans and any necessary forms are developed based on the manufacturer's recommendations, the Missouri State Highway Patrol and appropriate legal mandates.
 - (b) Maintaining training records
 - (c) Ensuring that proficiency training is received by each user and training is documented and retrained by the training unit.
 - (d) Reviewing and revising all applicable training criteria on an as needed basis.

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4. The Nixa Police Department training unit shall ensure each member provided a Rapid ID Device receives required training in the field and that;
 - (a) The original training rosters and certificates are kept by the training unit to document that proper training has been received.
5. The Livescan Administrator and Sergeant/Lieutenant of the training unit shall ensure that the supervisory personnel who manage officers with the Rapid ID Device:
 - (a) Make certain members follow established guidelines and procedures for the use and maintenance of the RIDD.
 - (b) Repairs and replacements of damaged or non-functional RIDD are documented and performed as directed by the IT department.
 - (c) On a monthly basis reports involving cases in which the RIDD played an integral part in making an arrest shall be forwarded up the chain for review of proper procedures and statistics.
6. The IT department shall be responsible for overseeing the technology portion of the Rapid ID program.
 - (a) All RIDD units purchased by the Department will be approved, inspected and installed as determined by the IT department.
 - (b) RIDD in need of repair or replacement shall be brought to the attention, via the chain of command, to the IT department.

339.5 PROCEDURE

339.5.1 ISSUANCE OF THE RIDD

1. A RIDD will be issued only to officers that have had training on the operation of the unit. Training shall include considerations and requirements for use of the device under various circumstances.
2. All RIDD units must be properly maintained in accordance with the manufacturer's recommendations as detailed in the training provided prior to use.

339.5.2 TRAINING

1. Prior to the issuance of RIDD, officers will complete a Department approved course and demonstrate proficiency on the unit.
2. Training will be based on the manufacturer's recommendations and suggestions from the Livescan Administrator and training unit.
3. Training will include at minimum:
 - (a) Setup and maintenance procedures
 - (b) Proper use guidelines
 - (c) Legal issues involved with the use of the RIDD
 - (d) Reporting requirements

Digital Fingerprinting - Rapid ID Device Policy

- (e) Other issues as deemed necessary and established by the training unit and the Missouri State Highway Patrol

339.5.3 GUIDELINES FOR THE USE OF THE RIDD

1. The RIDD may be used in situations where the subject to be fingerprinted has given a knowing and willing voluntary consent or permission for the officer to use the device. This may include consent given during lawful encounters. A RIDD consent form must be filled out prior to fingerprinting the subject.
 - (a) As with other forms of consent, the consent can be limited or withdrawn at any point by the subject.
 - (b) If the consent is withdrawn, used of the RIDD is not authorized and its use must stop immediately. Officers shall not force or coerce anyone to submit to the scan.
2. The RIDD may be used in situations where reasonable suspicion can be articulated that the subject to be printed has committed, or is about to commit a criminal act or when there is a justifiable and reasonable belief that such printing via the RIDD will either establish or nullify the subject's connection with that crime. The key here is that the use of the RIDD is used as quickly as possible after reasonable suspicion is established.
3. These results are to be treated as "lead information only" and further investigation should be done.
4. The RIDD may be used in situations where the subject to be printed would otherwise be required to give traditional fingerprint samples.
 - (a) An example would include;
 - (b) Probable cause criminal arrest situations
5. The RIDD may be used in situations where the use of the device has been specifically authorized pursuant a valid subpoena or court order; however, if the subpoena is not for immediate compliance the then subject should be allowed to appear for the future date indicated.
6. Special care should be taken to ensure the devices are not used for purposes that may lend themselves to the inference of improper profiling.
7. Use of the RIDD for random or generalized investigative or intelligence gathering, with no focused case or other reason is not authorized. The device is not to be used for any unlawful purpose.
 - (a) Any specialized non-standard use of the RIDD shall require notification and authorization by the officer's immediate supervisor. If the immediate supervisor is not available the request will go up the chain of command.
 - (b) Examples include;
 - (c) A death investigation or homicide in which there is no identifying paperwork for the victim or suspect.

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- (d) Request from an outside agency to fingerprint a suspect in custody. As long as the requesting agency complies with the procedures and policies set forth.
- 8. Guidelines cannot be written to encompass every possible application for the use of the RIDD. Officers, therefore, should keep in mind the guidelines set forth in this policy to assist them in deciding whether the device be used or not.
- 9. Officers are expected to be able to justify, based on these guidelines, training, and experience and the assessment of the circumstances, how they determined the use of the RIDD was justified under the circumstances.

Chapter 4 - Patrol Operations

Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Department to ensure intraorganizational cooperation and information sharing.

400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles. They will patrol assigned jurisdictional areas of Nixa, identify community needs, provide support and assistance to the community, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours a day seven days a week.

Patrol will generally provide services within the limits of available resources. These include:

- (a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order and the discovery of hazardous situations or conditions.
- (b) Crime prevention activities, such as residential inspections, business inspections and community presentations.
- (c) Calls for service, both routine and emergency.
- (d) Investigation of both criminal and non-criminal acts.
- (e) The apprehension of criminal offenders.
- (f) Community Oriented Policing and problem-solving activities, such as citizen assists and individual citizen contacts of a positive nature.
- (g) The sharing of information between Operations and other bureaus within the Department, as well as other government agencies.
- (h) The application of resources to specific problems or situations within the community that may be improved or resolved by Community Oriented Policing and problem-solving strategies.
- (i) Traffic direction and control.

400.1.2 TERRORISM

It is the goal of the Nixa Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism-related and should document such incidents with a written report.

The supervisor should ensure that all terrorism-related reports are forwarded to the Criminal Investigations supervisor in a timely fashion. The Criminal Investigations supervisor shall review

Patrol Function

all terrorism-related reports as soon as practicable and contact the Missouri Office of Homeland Security when there is a reasonable suspicion that a terrorism threat exists.

400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intraorganizational cooperation and information flow between the various bureaus of the Nixa Police Department.

400.2.1 CRIME REPORTS

A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation.

400.2.2 PATROL BRIEFINGS

Patrol supervisors, investigative sergeants and special unit sergeants are encouraged to share information as much as reasonably possible. All supervisors and/or officers will be provided an opportunity to share information through daily patrol briefings, as time permits.

400.2.3 BULLETIN BOARDS

A bulletin board will be kept for display of suspect information, investigative reports and photographs. New General Orders will be made available for patrol supervisors and will be discussed at briefings and shift meetings.

400.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting 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. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Nixa 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 Nixa 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 biased-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.

Bias-Based Policing

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.

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 complete a vehicle stop information form supplied by the Missouri Attorney General. The officer should submit the form by the end of his/her shift or as soon as practicable (§ 590.650, RSMo; 15 CSR 60-10.020).

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals in their command for compliance with this policy and shall handle any alleged or observed violations of this policy 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 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 should document these periodic reviews.
 - (b) Recordings 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.

401.6 STATE REPORTING

The Chief of Police shall submit an annual report to the office of the Attorney General consisting of the information gathered from traffic stops (§ 590.650, RSMo).

401.7 ADMINISTRATION

Each year, the Operations Bureau Commander should review the efforts of the Department to provide fair and objective policing and submit an overview, including public concerns and complaints, to the Chief of Police. This report should not contain any identifying information about any specific complaint, citizen or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Bias-Based Policing

Supervisors should review the report submitted under § 590.650, RSMo and the annual report and discuss the results with those they are assigned to supervise.

401.8 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Training Unit.

The training shall include continuing education on racial profiling as mandated by § 590.050, RSMo (also see 11 CSR 75-15.010).

Briefing

402.1 PURPOSE AND SCOPE

Briefing is generally conducted at the beginning of the officer's assigned shift. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct briefing. However, officers may conduct briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, certain basic tasks, including:

- (a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles and major investigations.
- (b) Notifying officers of changes in schedules and assignments.
- (c) Notifying officers of new General Orders or changes in General Orders.
- (d) Reviewing recent incidents for training purposes.
- (e) Providing training on a variety of subjects.

402.2 BRIEFING

Briefing is generally conducted at the beginning or conclusion of the officer's assigned shift, yet it may occur at another period. Briefing should incorporate short training segments on a variety of subjects 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 and unusual daily activities.
- (c) Presentation and discussion of the proper application of existing policy to unusual activities.
- (d) Reviewing recent incidents for training purposes.

402.3 PREPARATION OF MATERIALS

The individual conducting briefing and/or roll call training is responsible for collection and preparation of the materials necessary for a constructive briefing and/or roll call training. A supervisor may delegate this responsibility to a subordinate officer in his/her absence or 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 Nixa 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.

403.2 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.

403.2 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, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

Crime and Disaster Scene Integrity

403.3 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. 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.

403.3.1 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.

Nixa Emergency Tactical Team

404.1 PURPOSE AND SCOPE

The Nixa Emergency Tactical Team (NETT) is comprised of two specialized teams: the Crisis Negotiation Team (CNT) and the Special Weapons and Tactics team (SWAT). The unit has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appears to be necessary.

404.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the Nixa Emergency Tactical Team are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a law enforcement response vary greatly from incident to incident, and because such events often demand on-scene evaluation, the Operational Policy outlined in this section serves as a guideline to department personnel, allowing for appropriate on-scene decision-making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

404.1.2 SWAT TEAM DEFINED

SWAT team - A designated unit of law enforcement officers, including a multijurisdictional team, that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex or unusual that they may exceed the capabilities of first responders or investigative units. This includes, but is not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of department policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

404.2 LEVELS OF CAPABILITY/TRAINING

404.2.1 LEVEL I

Level I SWAT team - Is a basic team capable of providing containment and intervention with critical incidents that exceed the training and resources available to line-level officers. This does not include ad hoc teams of officers that are formed around a specific mission, detail or incident (e.g., active shooter response). Generally, 5 percent of the basic team's on-duty time should be devoted to training.

404.2.2 LEVEL II

Level II SWAT team - Is an intermediate level team capable of providing containment and intervention. These teams possess tactical capabilities above the Level I teams. These teams may or may not work together on a daily basis, but are intended to respond to incidents as a team. At least 5 percent of their on-duty time should be devoted to training, with supplemental training for tactical capabilities above the Level I team.

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404.2.3 LEVEL III

Level III SWAT team - Is an advanced level team whose personnel function as a full-time unit. Generally, 25 percent of their on-duty time is devoted to training. Level III teams operate in accordance with contemporary best practices.

404.3 POLICY

It is the policy of this department to maintain a SWAT team and to provide the equipment, manpower and training necessary to maintain a SWAT team. The SWAT team should develop sufficient resources to perform three basic operational functions:

- (a) Command and control
- (b) Containment
- (c) Entry/apprehension/rescue

It is understood that it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of human life is paramount.

404.3.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of SWAT missions and operations that are appropriate to this department. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the SWAT commander or the authorized designee.

404.3.2 ADMINISTRATIVE PROCEDURES

This department shall develop a separate written set of organizational procedures that should address, at minimum, the following:

- (a) Locally identified specific missions the team is capable of performing
- (b) Team organization and function
- (c) Personnel selection and retention criteria
- (d) Training and required competencies
- (e) Procedures for activation and deployment
- (f) Command and control issues, including a clearly defined command structure
- (g) Multi-agency response
- (h) Extra jurisdictional response
- (i) Specialized functions and supporting resources

See attachment: [Administrative Procedures.pdf](#)

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404.3.3 OPERATIONAL PROCEDURES

This department shall develop a separate written set of operational procedures, in accordance with its level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association's Suggested SWAT Best Practices. The operational procedures should include, at minimum, the following elements:

- (a) Personnel responsible for developing an operational or tactical plan should be designated prior to, and/or during SWAT operations (time permitting).
 - 1. All SWAT team members should have an understanding of operational planning.
 - 2. SWAT team training should consider planning for both spontaneous and planned events.
 - 3. SWAT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.
- (b) Plans for mission briefings should be conducted prior to an operation, unless circumstances require immediate deployment.
 - 1. When reasonably possible, briefings should include the specialized units and supporting resources.
- (c) Protocols for a sustained operation should be developed. These may include relief, rotation of personnel and augmentation of resources.
- (d) A generic checklist to be worked through prior to initiating a tactical action should be developed. This will provide a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SWAT.
- (e) The appropriate role for a trained negotiator should be defined.
- (f) A standard method of determining whether a warrant should be regarded as high risk should be developed.
- (g) A method for deciding how best to serve a high-risk warrant should be developed, with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.
- (h) The elements of post-incident scene management should include:
 - 1. Documentation of the incident.
 - 2. Transition to investigations and/or other units.
 - 3. Debriefing after every deployment of the SWAT team.
 - (a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments. It also helps to identify training needs and reinforces sound risk management practices.
 - (b) Debriefing should not be conducted until involved officers have had the opportunity to individually complete the necessary reports or provide formal statements.

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- (c) To maintain candor and a meaningful exchange, debriefing will generally not be recorded.
- (d) When appropriate, debriefing should include specialized units and resources.
- (i) Sound risk management analysis should be included.
- (j) Standardization of equipment should be addressed.

[See attachment: Operational Procedures.pdf](#)

404.4 TRAINING NEEDS ASSESSMENT

The SWAT/NETT commander shall conduct an annual SWAT training needs assessment to ensure that training is conducted within team capabilities and department policy.

404.4.1 INITIAL TRAINING

SWAT team operators and SWAT supervisors/team leaders should not be deployed until successful completion of an approved basic SWAT course, or its equivalent, and successful completion of required Department training.

- (a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content or topics meet or exceed requirements determined by the Department.

404.4.2 UPDATED TRAINING

Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team.

SWAT team operators and SWAT supervisors/team leaders should complete update or refresher training periodically.

404.4.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level. This is to ensure that personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the team.

Command personnel who may assume incident command responsibilities should attend a SWAT or critical incident commander course or its equivalent. SWAT command personnel should attend a SWAT commander or tactical commander course or its equivalent that has been approved by the Department.

404.4.4 SWAT ONGOING TRAINING

Training shall be coordinated by the NETT commander. The NETT commander may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise, in addition to specialized training.

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404.4.5 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

404.4.6 SCENARIO-BASED TRAINING

SWAT teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

404.4.7 TRAINING DOCUMENTATION

Individual and team training shall be documented and records maintained by the Training Unit. Such documentation shall be maintained in each member's individual training file. A separate agency SWAT training file shall be maintained with documentation and records of all team training.

404.5 UNIFORMS, EQUIPMENT AND FIREARMS

404.5.1 UNIFORMS

SWAT teams from this department should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

404.5.2 EQUIPMENT

SWAT teams from this department should be adequately equipped to meet the specific mission identified by the Department.

404.5.3 FIREARMS

Weapons and equipment used by SWAT, the specialized units and the supporting resources should be department-issued or approved by the Chief of Police including any modifications, additions or attachments. Documentation of any modification, additions, or attachments shall be maintained by the NETT Commander.

404.5.4 OPERATIONAL READINESS INSPECTION

The Team Leader shall complete an operational readiness inspection of all unit equipment at least quarterly. The result of the inspection will be forwarded to the NETT commander. The inspection will include personal equipment issued to members of the unit as well as special use equipment maintained for periodic or occasional use in the SWAT vehicle.

404.6 MANAGEMENT/SUPERVISION OF NIXA EMERGENCY TACTICAL TEAM

The commander of the NETT shall be selected by the Chief of Police.

404.6.1 PRIMARY UNIT MANAGER

Under the direction of the Chief of Police or his designee, the Nixa Emergency Tactical Team shall be managed by the appointed NETT commander.

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404.6.2 TEAM SUPERVISORS

The CNT and each SWAT team will be supervised by a team leader who has been appointed by the NETT commander.

The following represent supervisor responsibilities for the Nixa Emergency Tactical Team:

- (a) The CNT supervisor's primary responsibility is to supervise the operations of the team, to include deployment, training, first-line participation and other duties as directed by the NETT commander.
- (b) The SWAT team supervisor's primary responsibility is to supervise the operations of the team, which will include deployment, training, first-line participation and other duties as directed by the NETT commander.

404.7 CRISIS NEGOTIATION TEAM

The CNT has been established to provide skilled verbal communicators, who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves or have suicidal tendencies.

404.7.1 SELECTION OF PERSONNEL

Minimum one consecutive year of full-time service immediately prior to the last day of the job posting with the Nixa Police Department, and not be on probation in the field training program or on disciplinary probation

Interested licensed personnel, shall submit a request to their appropriate Bureau Commander. A copy will be forwarded to the Team Leader. CNT personnel will be selected using a fair objective process.

A list of successful applicants shall be forwarded to the Team Commander for final selection.

404.7.2 TRAINING OF NEGOTIATORS

Those officers selected as members of the CNT should attend a department-approved basic negotiator's course prior to deployment in an actual crisis situation. Untrained officers may be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

A minimum of one training day per year will be required to provide the opportunity for role playing and situational training to maintain proper skills. This will be coordinated by the team supervisor.

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the team shall be conducted by the team supervisor. Performance and efficiency levels established by the team supervisor will be met and maintained by all team members. Any member of the CNT who performs or functions at a level less than satisfactory shall be subject to dismissal from the CNT.

404.8 OPERATIONAL GUIDELINES FOR NIXA EMERGENCY TACTICAL TEAM

The following procedures serve as guidelines for the operational deployment of the Nixa Emergency Tactical Team. Generally, the SWAT team and the CNT will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical

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presence of the CNT, such as warrant service operations. This shall be at the discretion of the NETT commander.

404.8.1 ON-SCENE DETERMINATION

Any officer involved with a particular event will assess whether the Nixa Emergency Tactical Team should respond. Upon final determination by the team leader, the NETT commander will be notified.

404.8.2 APPROPRIATE SITUATIONS FOR USE OF A NIXA EMERGENCY TACTICAL TEAM

Examples of incidents that may result in the activation of the Nixa Emergency Tactical Team include:

- (a) Barricaded suspects who refuse an order to surrender.
- (b) Incidents where hostages have been taken.
- (c) Arrests of persons reasonably believed to be dangerous.
- (d) Any situation in which NETT or CNT deployment could enhance the ability to preserve life, maintain social order and ensure the protection of property.

404.8.3 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agency crisis units must be approved by the NETT Team Commander. Requests for deployment of the Nixa Police Department Nixa Emergency Tactical Team by other agencies must be authorized by a NETT Team Commander.

404.8.4 MULTIJURISDICTIONAL SWAT OPERATIONS

The SWAT team, including specialized units and supporting resources, should develop protocols, agreements, memorandums of understanding, employment agreements or working relationships to support multijurisdictional or regional responses.

- (a) If it is anticipated that multijurisdictional SWAT operations will regularly be conducted, SWAT multi-agency and multidisciplinary joint training exercises are required.
- (b) Members of the Nixa Police Department SWAT team shall operate under the policies, procedures and command of the Nixa Police Department when working in a multi-agency situation.

404.8.5 MOBILIZATION OF NIXA EMERGENCY TACTICAL TEAM

The Nixa Emergency Tactical Team activation to a critical incident will take precedence over all other nonemergency assignments within the Nixa Police Department. The Nixa Emergency Tactical Team can be requested by any officer within the Nixa Police Department. Any officer who wishes to active the N.E.T.T. shall seek permission from an on duty supervisor.

1. The officer with the most information about the situation should contact the Team Leader and brief him. The Team Leader will determine if the N.E.T.T. will respond. The Team Leader is responsible for initiating the page out protocol through Dispatch

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2. Dispatch then initiates Nixa Emergency Tactical Team response per N.E.T.T page-out protocol. Requests for the Nixa Emergency Tactical Team by outside agencies should be directed through the same Nixa Emergency Tactical Team chain of command, with authorization for such use being decided by the higher authority, outside of emergency situations. Nixa Emergency Tactical Team activation requests, outside of emergency situations, will be made through the Team Leader or higher authority. This will include, but not limited to, activation's for felony arrests, surveillance's, man hunts, etc.

Officers should brief the N.E.T.T. Team Leader with the following information, if available:

- (a) The number of suspects, known weapons and resources
- (b) If the suspect is in control of hostages
- (c) If the suspect is barricaded
- (d) The type of crime involved
- (e) If the suspect has threatened or attempted suicide
- (f) The location and safe approach to the command post
- (g) The extent of any perimeter and the number of officers involved
- (h) Any other important facts critical to the immediate situation, and whether the suspect has refused an order to surrender

404.8.6 FIELD UNIT RESPONSIBILITIES

While waiting for the Nixa Emergency Tactical Team, field personnel should, if safe, practicable and if sufficient resources exist:

- (a) Establish an inner and outer perimeter.
- (b) Establish a command post outside of the inner perimeter.
- (c) Establish an arrest/response team. The team actions may include:
 - 1. Securing any subject or suspect who may surrender.
 - 2. Taking action to mitigate a lethal threat or behavior.
- (d) Evacuate any injured persons or citizens in the zone of danger.
- (e) Attempt to establish preliminary communications with the suspect. Once the NETT has arrived, all negotiations should generally be halted to allow the negotiators and SWAT team time to set up.
- (f) Be prepared to brief the NETT commander on the situation.
- (g) Plan for and stage anticipated resources.

404.8.7 COMMUNICATION WITH NIXA EMERGENCY TACTICAL TEAM PERSONNEL

All persons who are non-Nixa Emergency Tactical Team personnel should refrain from any non-emergency contact or from interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel. No one should interrupt

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or communicate with NETT personnel directly. All non-emergency communications shall be channeled through the the authorized designee.

Ride-Along Program

405.1 POLICY STATEMENT

It shall be the policy of the Nixa Police Department to allow citizens, who meet the established minimum requirements, the ability to ride-along with Officers from the Patrol Division of the Nixa Police Department.

405.2 PURPOSE

The purpose of this policy is to provide citizens an opportunity to observe the day-to-day operations of the Nixa Police Department and its officers. The ride-along program will also assist in creating a positive public relation with the community and accountability to the community through openness of patrol activities.

405.3 MINIMUM ELIGIBILITY REQUIREMENTS

- A. The individual must be at least 18 years of age, a citizen of the United States of America who has no disabilities that would prevent them from being able to escape from danger or hinder a police officer from performing his/her duties.
- B. The individual must complete in full, and sign in the presence of a Nixa Police Department employee, a ride-along application/ release form prior to each ride-along.
- C. The individual must agree to provide the necessary information to allow processing of the ride-along application.
- D. The individual must have both a criminal history check and a driving record check performed and attached to the application.
 - 1. The individual must have no previous felony or serious misdemeanor convictions and shall not be charged with, or under indictment, for any felony or serious misdemeanor.
 - 2. The individual must not be the respondent of a Personal Protective Order or the subject of any sort of Bond Restrictions.
 - 3. The individual must not have received a traffic summons within the past 90 days.
- E. The individual must not be or have been an adverse party involved in any civil matter involving the municipality or its employees as defendants.
- F. The individual must not have been terminated, or asked to resign, from any department within the City of Nixa.
- G. The individual must agree to follow the rules of the Program and direction of the officer to which he/ she is assigned.

405.4 APPLICATION AND APPROVAL PROCESS

Individuals wishing to participate in the Ride-Along Program shall:

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- A. Truthfully complete a ride-along application at the Nixa Police Department to participate in the Program.
- B. Sign a waiver of liability and authorization for release of information forms.
- C. The individual must complete an application at least one-week prior to the time they desire to ride-along. Requests not submitted at least one-week prior to the desired ride-along date shall be at the discretion of the Chief of Police or his designee, as to whether the individual will be allowed to participate in the Program.
- D. The completed application shall be forwarded to the Chief of Police or his designee for processing and review to determine the person's eligibility.
 1. Upon all of the minimum qualifications being met and the application and liability waiver being signed by the participant, the ride-along application will be sent to the Chief of Police or his designee for review.
 2. The Chief of Police or his designee will then review the application and all appropriate documentation to determine whether the ride-along request is approved or denied.
 - (a) If the person is eligible for the Program, the Chief of Police or his designee shall notify the applicant that they are eligible to participate.
 1. The person making the determination of eligibility shall note their name and date on the application.
 2. The individual shall be assigned specific hours to participate. These hours shall be noted on the application along with the name of the assigned officer and the date the assignment was made.
 3. The person approving the application will then locate a host officer, who is willing to have the Participant ride with them.
 4. The assigned officer affected shall be given a copy of the approved application, signed waiver and shall be informed of the arrangements that have been made.
 - (b) If the person is ineligible to participate in the Program, the Chief of Police or his designee shall notify the applicant that they are not eligible.
 1. The reasons for ineligibility shall be noted on the application along with the name of the person making the determination.
 2. The date the person was notified of the ineligibility shall be noted on the application.
 - (c) The Chief of Police or his designee reserve the right to deny any application, regardless if the minimum requirements have been met by the applicant.
 3. All applications shall be maintained in an administrative file for a period of time in accordance with the records retention schedule.

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405.5 RIDE-ALONG DRESS PROCEDURES

- A. All individuals participating in the Program will wear casual slacks or neat jeans (no holes), and a shirt with a collar. T-shirts, shorts, sweats, or any articles of clothing displaying any rude or offensive logos are prohibited. Shoes should be comfortable with a non-slip type sole (no high heels).
- B. Individuals participating in the Program **WILL NOT** be allowed to carry a firearm, regardless if they possess a conceal carry firearms permit.
- C. Individuals possessing a commission from an outside law enforcement agency shall not display any article or clothing that readily identifies them as a law enforcement officer. Individuals with a commission will be allowed to carry weapons at the discretion of the Chief of Police or his designee. However, the weapons must be concealed completely.
- D. Individuals participating in the Program should bring with them appropriate clothing for applicable weather conditions.

405.6 RIDE-ALONG PROCEDURES

- A. Participants shall report to the shift supervisor prior to the beginning of the desired or assigned shift. Participants will only be allowed to ride with the assigned officer for the duration of his/her shift and will only be able to switch host officers with supervisor approval. However, participants may choose to end the ride-along early, so long as it does not interfere with the host Officer's duties.
- B. Participants will be allowed to complete a ride-along a maximum of one time per month, unless it is a job shadow program or other exception that has been approved by the Chief of Police or his designee.
- C. Spouses/Significant others of officers employed by the Nixa Police Department will be permitted to participate in the ride-along Program. However, spouses/ significant others shall not ride along with their significant other under any circumstances.
- D. Participants have no police power and shall not represent themselves as law enforcement in any form either verbally or visually. Participants shall not take any law enforcement action unless they are directed to do so by an officer of the Nixa Police Department.
- E. The participant will at all times obey the commands and/ or directives of the host Officer and all Officers of the Nixa Police Department.
- F. The host Officer shall notify Dispatch that they have a civilian rider before they begin their tour of duty and go in service.
- G. Participants shall not use Department communications equipment except in extreme emergencies.
- H. Participants shall respect and maintain the confidentiality of the Department's information and records. The host Officer shall notify participants that anything they observe is of a confidential nature and shall not be freely discussed outside of the Nixa Police Department.

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- I. Participants shall not use Department computers except as authorized by an officer from the Department. **At no time shall a Participant have any access to RMS or MULES printouts.**
- J. Participants shall not operate any vehicle during the ride-along assignment except in extreme emergencies.
- K. Participants are not to exit the patrol vehicle on high risk or unknown risk calls for service (i.e. traffic stops, domestics, alarms, etc.), unless directed by the host Officer. Calls that are deemed to be a minimum risk (i.e. leave without pay, past stealing, citizen assist, etc.) are at the discretion of the host Officer.
- L. Participants shall not handle any evidence.
- M. Participants shall not engage in conversation with people involved in complaint activity or those under the control of the Nixa Police Department.
- N. Participants may carry a flashlight for purposes of illumination.
- O. Participants shall not use any video or audio recording device and shall submit to reasonable searches for such items and/ or weapons. However, news media may utilize recording devices upon prior approval of the Chief of Police or his designee.
- P. Officers who are on probation as an initial hire, or on probation for disciplinary reasons, will not be allowed to have a participant ride with them in the ride-along program. However, officers recently promoted and who are on probation from the promotion will be allowed to have ride-along participants.
- Q. Safety of the participant shall be paramount to the host Officer at all times, especially when using their discretion as to whether or not to allow the participant to exit the vehicle or to initiate a hot or fresh pursuit of another vehicle.
- R. The host Officer shall have the authority to suspend a ride-along at any time, and transport the participant back to the Nixa Police Department. The Officer shall notify the shift supervisor at the earliest possible convenience and explain the reason the ride-along was terminated.

405.7 HOST OFFICER'S RESPONSIBILITIES

- A. Officers assigned a ride-along shall go about their normal routine while hosting a Program participant.
- B. Officers shall familiarize the Participant with the equipment in the patrol vehicle and how it functions.
- C. Officers are expected to answer the Participant's questions in a thoughtful and truthful manner. Tactical or operational information of the Nixa Police Department that is considered confidential shall not be disclosed.
- D. Any injury to a participant, no matter how slight, shall be documented and the shift supervisor shall be immediately notified. The shift supervisor shall insure that the injury is examined by an emergency medical care provider and is completely documented, including photographs when applicable. The shift supervisor shall then

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make proper notifications utilizing their chain of command as soon as practicably possible.

Hazardous Material Response

406.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees and others as a result of their exposure. To comply with applicable law, the following represents the policy of this department.

406.1.1 HAZARDOUS MATERIAL DEFINED

Definitions related to this policy include:

Hazardous material - A substance which by its nature, containment and reactivity, has the capability of inflicting harm to people, other living organisms, property or the environment during exposure. Hazardous materials are characterized as being toxic, corrosive, flammable, explosive, oxidizing, asphyxiating, pathogenic, allergenic, biohazardous, or radioactive and pose a threat to health when improperly managed (see generally § 260.500(5), RSMo).

406.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic collision, chemical spill or fire. When employees 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 and mitigate most 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 depart the scene and should be evaluated by appropriate technicians and medical professionals for signs of exposure.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Make the initial assessment of a potential hazardous material from a safe distance.
- (b) 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.
- (c) Wear personal protective gear, being cognizant that some hazardous material may quickly volatilize into a form which is readily inhaled.
- (d) Attempt to identify the type of hazardous material from a safe distance using optical aids (binoculars/spotting scopes) if they are available. Identification can be determined by:
 1. Placards and use of the Emergency Response Guidebook.
 2. Driver's statements or shipping documents from the person transporting the material.

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3. Information obtained from any involved person with knowledge regarding the hazardous material.
- (e) Obtain information from any involved party who has knowledge regarding the hazardous material. Information should include:
 1. The identity of the material.
 2. How to secure and contain the material.
 3. Any other information to protect the safety of those present, the community and the environment.
- (f) Notify the appropriate fire department. Provide weather conditions, wind direction, a suggested safe approach route and any other information pertinent to responder safety.
- (g) Provide first aid to injured parties if it can be done safely and without contamination.
- (h) Begin evacuation of the immediate and surrounding areas, dependent on the material. Voluntary evacuation should be considered. Depending on the material, mandatory evacuation may be necessary.
- (i) Make reasonable efforts to secure the scene to prevent access from unauthorized personnel.
- (j) Establish a decontamination area when needed.
- (k) Call the Emergency Environmental Response 24-hour hotline at 573-634-2436 to request assistance from the Missouri Environmental Services Program.
- (l) If available, activate reverse 9-1-1 calling to the affected area.

406.3 REPORTING EXPOSURE

Department personnel 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 employee in a memo, which shall be forwarded via chain of command to the Bureau Commander as soon as practicable. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

Injury or illness caused or believed to be caused from 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.

406.3.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to treat the exposure.

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 purport to 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.

407.2 POLICY

It is the policy of the Nixa 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.

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

Hostage and Barricade Incidents

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. During 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 non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (f) Attempt or 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.
- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

Hostage and Barricade Incidents

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) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- (b) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (c) 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.
- (d) 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).
- (e) 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.
- (f) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (g) Provide responding emergency personnel with a safe arrival route to the location.
- (h) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (i) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (j) Attempt or 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.
- (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 Public Information Officer.
- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

Hostage and Barricade Incidents

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 a NETT response if appropriate and apprising the NETT 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 units, additional personnel, 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) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).
- (g) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or the Communications Center.
- (h) Identify a media staging area outside the outer perimeter and have the department Public Information Officer or designated temporary media representative provide media access in accordance with the News Media Relations Policy.
- (i) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (j) Debrief personnel and review documentation as appropriate.

407.6 CRISIS RESPONSE UNIT RESPONSIBILITIES

It will be the NETT Commander's decision whether to deploy the NETT during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the NETT Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the NETT. The Incident Commander and the NETT Commander or the authorized designee shall maintain communications at all times.

407.6.1 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.

Response to Bomb Calls

408.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Nixa Police Department in their initial response to incidents involving explosives, 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 Nixa 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 Supervisor is immediately advised and informed of the details. This will enable the Shift Supervisor 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 NIXA POLICE DEPARTMENT FACILITY

If the bomb threat is against the Nixa Police Department facility, the Shift Supervisor 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 Nixa 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 Supervisor deems appropriate.

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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 Nixa, 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 Supervisor is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

408.5.1 ASSISTANCE

The Shift Supervisor should be notified when police assistance is requested. The Shift Supervisor 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 Supervisor determine that the Department will assist or control such an incident, he/she will determine:

- (a) The appropriate level of assistance.

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- (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 the following:
 - 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.
- (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 Supervisor including:
 - 1. The time of discovery.

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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, minimize contamination of the scene by gathering crowds, or minimize 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
- Field supervisor
- Shift Supervisor
- 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

Response to Bomb Calls

408.7.3 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.

408.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Shift Supervisor 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 imbedded in nearby structures or hanging in trees and bushes.

Civil Commitments

409.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place an individual in protective custody for civil commitment (§ 632.305, RSMo).

409.2 POLICY

It is the policy of the Nixa Police Department to protect the public and individuals through legal and appropriate use of the civil commitment process.

409.3 AUTHORITY

An officer may take an individual into custody and transport him/her to an appropriate treatment facility for evaluation and treatment when the officer has reasonable cause to believe that such individual is suffering from a mental disorder and presents an imminent likelihood of serious harm to him/herself or others if not immediately taken into custody (§ 632.305, RSMo).

409.3.1 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 voluntarily be evaluated at an appropriate facility. If the individual so desires, the officers should:

- (a) Transport or arrange for the transport of the individual to an appropriate facility that is able to conduct the evaluation and admit the individual pursuant to a civil commitment.
- (b) If at any point the individual changes his/her mind regarding voluntary evaluation, officers should proceed with the civil commitment, if appropriate.

409.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for a civil commitment should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the cause and nature of the individual's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources available to assist in dealing 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 physical arrest for people who have mental health issues and are suspected of committing minor crimes or creating other public safety issues.

409.5 TRANSPORTATION

Civil Commitments

Officers may transport individuals in a 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 Supervisor approval is required before transport commences.

409.6 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 civil commitment and remain present until custody of the individual is transferred to medical staff. .

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.

409.7 DOCUMENTATION

The officer should complete an application for initial detention for evaluation and treatment, provide it to the facility staff member assigned to that patient and retain a copy of the application for inclusion in the case report.

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

409.7.1 STATE REQUIREMENTS

The officer shall document his/her personal observations or investigation and set forth the factual information that led to the reasonable belief that the individual required immediate detention (§ 632.305, RSMo).

409.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken into custody on 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 civil commitment.
- (c) Facilitate the individual's transfer to the jail facility.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a civil commitment.

Civil Commitments

In the supervisor's judgment, the individual may instead be arrested or booked and 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.

409.9 FIREARMS AND OTHER WEAPONS

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 officers should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

409.10 TRAINING

This department will endeavor to provide department-approved training on interaction with mentally disabled persons, civil commitments and crisis intervention.

Citation Releases

410.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Nixa Police Department with guidance on when to release adults who are suspected offenders using a uniform citation for a criminal offence, rather than having the person held in custody for a court appearance or release on bail.

Additional release restrictions may apply to those detained for domestic violence, as outlined in the Domestic Violence Policy.

410.2 POLICY

The Nixa Police Department will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a uniform citation, when authorized to do so.

410.3 RELEASE

A suspected offender may be released on issuance of a uniform citation for misdemeanors, infractions or for a violation of any traffic law (§ 300.580, RSMo).

410.4 PROHIBITIONS

The release of a suspected offender on issuance of a uniform citation is not permitted for non-bailable offenses (§ 544.470, RSMo).

See the Domestic Violence Policy for release restrictions related to those investigations.

410.5 CONSIDERATIONS

In determining whether to cite and release 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

411.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Nixa Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

411.2 POLICY

The Nixa 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.

411.3 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.

Foreign Diplomatic and Consular Representatives

411.4 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. However, the person may not be compelled to sign the citation.
- (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

411.5 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.

411.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Nixa Police Department

Law Enforcement 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
Diplomatic Agent	No (note b)	No	Yes	No	No	Same as sponsor (full immunity and inviolability)
Member of Admin and Tech Staff	No (note b)	No	Yes	No	No	Same as sponsor (full immunity and inviolability)
Service Staff	Yes (note a)	Yes	Yes	Yes	No for official acts Yes otherwise (note a)	No immunity or inviolability (note a)
Career Consul Officer	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
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	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)
Int'l Org Staff (note b)	Yes (note c)	Yes (note c)	Yes	Yes (note c)	No for official acts Yes otherwise (note c)	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No (note b)	No	Yes	No	No	Same as sponsor (full immunity and inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

Nixa Police Department

Law Enforcement Policy Manual

Foreign Diplomatic and Consular Representatives

- (a) This table presents 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 in 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

412.1 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.

412.2 POLICY

The Nixa 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 that 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.

412.3 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 other incidents at other locations.

When deciding on a course of action officers should consider:

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance 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.

Rapid Response and Deployment

- (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 a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

412.4 PLANNING

The Operations Bureau Commander should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment 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.

412.4.1 ACTIVE SHOOTER AND INTRUDER RESPONSE TRAINING FOR SCHOOLS PROGRAM

A supervisor should coordinate participation with appropriate school officials to advance the purpose and mandates of the Active Shooter and Intruder Response Training for Schools Program under § 170.315.1, RSMo.

412.5 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.

Rapid Response and Deployment

- (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.

412.6 TRAINING

The Training Officer 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 and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, shotgun, 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

413.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Nixa Police Department relating to immigration and interacting with federal immigration officials.

413.2 POLICY

It is the policy of the Nixa 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.

413.3 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 Missouri constitutions.

413.4 DETENTIONS

An officershould not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

An officerwho 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.

Immigration Violations

An officer should notify a supervisor as soon as practicable whenever an individual is being detained for a criminal immigration violation.

413.4.1 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 criminal offense or pursuant to a judicial warrant (see the Law Enforcement Authority Policy).

413.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

In the event that an arrestee is confined to jail, the arresting officer shall query the Law Enforcement Support Center (LESC) of the United States Department of Homeland Security (DHS) or other office or agency designated for that purpose by DHS to determine if the person is in the United States unlawfully. If it is determined that the person is in the United States unlawfully, the officer will notify DHS (§ 544.472, RSMo).

The arresting officer need not query LESC if the jail has operational procedures to handle the query and notification.

No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

413.6 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.

413.7 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
- (d) Employees should cooperate with state and federal agencies and officials on matters pertaining to enforcement of state and federal laws governing immigration (§ 67.307 RSMo).

Immigration Violations

413.7.1 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.

413.8 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)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Criminal Investigations supervisor assigned to oversee the handling of any related case. The Criminal Investigations 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.

413.9 TRAINING

The Training Officer should ensure that 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.

Field Training and Evaluation Program (FTEP)

414.1 PURPOSE AND SCOPE

The Field Training and Evaluation Program (FTEP) is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Nixa Police Department.

It is the policy of this department to assign all new police officers to a structured FTEP that is designed to prepare the new officer to perform in a patrol assignment and to acquire all of the skills needed to operate in a safe, productive and professional manner.

414.2 FIELD TRAINING OFFICER

The FTO is an experienced officer trained in the art of supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

The responsibilities of a field training officer include:

- (a) Instill in the probationary officer an understanding and appreciation of the department mission and organizational values.
- (b) Complete daily evaluations of the trainee's performance.
- (c) Document all training provided, as well as, the trainee's response to such training.
- (d) Evaluate the Probationary Officer's strengths and weaknesses and provide remedial training in areas of need.

414.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

- (a) Desire to be an FTO
- (b) Minimum one consecutive year of full-time service immediately prior to the last day of the job posting with the Nixa Police Department, and not be on probation in the field training program or on disciplinary probation
- (c) Demonstrated ability as a positive role model
- (d) Participate and pass a selection process
- (e) Evaluation by supervisors and current FTOs
- (f) Possess a valid Missouri peace officer license

414.2.2 TRAINING

An officer selected as an FTO shall successfully complete an FTO course approved by the Department prior to being assigned as an FTO.

414.3 FIELD TRAINING AND EVALUATION PROGRAM SUPERVISOR

The FTEP Supervisor will be selected from the rank of sergeant or above by the Operations Bureau Commander or the authorized designee.

Field Training and Evaluation Program (FTEP)

The responsibilities of the FTO Program supervisor includes:

- (a) Assign trainees to FTOs.
- (b) Conduct FTO meetings.
- (c) Maintain and ensure FTO/probationary officer performance evaluations are completed.
- (d) Maintain, update and issue the Field Training Manual to each trainee.
- (e) Monitor individual FTO performance.
- (f) Monitor the overall FTO Program.
- (g) Recommend the termination of a probationary officer when the prospect of retention is no longer feasible.

414.4 PROBATIONARY OFFICER RESPONSIBILITIES

Probationary Officer - Any entry level or lateral police officer newly appointed to the Nixa Police Department, who possesses a valid peace officer license issued by the state of Missouri.

During the field training period the probationary officer will, at a minimum:

- (a) Learn to perform the duties expected of a police officer
- (b) Meet or exceed the program objectives as set forth in the Standardized Evaluation Guidelines
- (c) Complete all assignments in a timely manner and follow all department policies and procedures
- (d) Attend periodic conferences with supervisor and /or the FTO's to assess the progress of the Probationary Officer
- (e) Discuss and perform the listed skills on the Skills Checklist

The probationary officer is required to review and sign Daily Observation Reports as they are received. If the PO has any questions about scores or comments in a DOR, they should be discussed and addressed as soon as possible with the FTO. If the PO is unsatisfied with the response, a meeting with the FTEP Supervisor should be requested. The FTEP Supervisor's decision is final and will be carried out. If conflict and/or dissatisfaction with the PO's performance evaluation continue, the PO may request a meeting with the FTEP Administrator.

Probationary officers will respect and be receptive to criticism given by FTO's. They may provide an explanation for their action; however, repeated rationalizations, excessive verbal contradictions or hostility are not acceptable.

The probationary officer is discouraged from participating in any extracurricular activities, which might interfere with the successful completion of the Field Training Evaluation Program. Any leave used during the training program which causes a deficiency in the number of DOR's will require the probationary officer to remain in the program until minimum requirements are achieved.

Field Training and Evaluation Program (FTEP)

While off duty, probationary officers **will not** respond to police calls, except for extreme emergency situations.

414.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program, which is similarly structured and administered according to the San Jose Model for field training programs.

The training period for lateral officers may be modified depending on the Probationary Officer's demonstrated performance and level of experience.

To the extent practicable, entry level and lateral officers should be assigned to a variety of FTOs, shifts and geographical areas during their Field Training Program.

414.5.1 FIELD TRAINING MANUAL

Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and skills necessary to properly function as an officer with the Nixa Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

414.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

414.6.1 FIELD TRAINING OFFICER

Field training officers shall:

- (a) Complete and submit a written evaluation on the performance of their assigned trainee on a daily basis.
- (b) Review the Daily Trainee Performance Evaluations with the trainee each day.
- (c) Be responsible for signing off on all completed topics contained in the Field Training Manual, noting the method of learning and evaluating the performance of the assigned trainee.

414.6.2 FIELD TRAINING ADMINISTRATOR

The Field Training Administrator will review and approve the Daily Trainee Performance Evaluations completed by the FTO and submitted through the FTEP Supervisor.

The Field Training Administrator will hold periodic meetings with all FTOs to ensure understanding and compliance with the requirements of the Field Training and Evaluation Program. At least annually, the Field Training Administrator will hold a process review meeting with all FTOs to discuss changes needed in the FTEP. A summary of this meeting, with any recommendations or changes made, will be documented and forwarded to the Chief of Police for review and approval.

Field Training and Evaluation Program (FTEP)

414.6.3 PROBATIONARY OFFICER

At the completion of the Field Training Program, the probationary officer shall submit a FTEP team performance critique.

414.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

- (a) Daily Probationary Officer Performance Evaluations
- (b) End of phase recommendations
- (c) Skills checklist
- (d) Remedial training chart
- (e) A Certificate of Completion, certifying that the trainee has successfully completed the Field Training and Evaluation Program.

Upon Completion of the Field Training and Evaluation Program, the FTEP Administrator will forward all daily evaluations to Human Resources to be added to individual officer's employment record.

414.8 COMPENSATION FOR FIELD TRAINING OFFICERS

Field Training Officers shall be compensated at the rate of \$12.00 per day for each day they are assigned to supervise and train a recruit in the field. FTO pay only applies to field supervision and does not include teaching recruits during classroom instruction. Only one FTO shall claim pay for training a recruit on any given day.

414.9 TERMINATION

Probationary officers who do not perform to standards set forth by the Field Training Program will be recommended for termination. After sufficient instruction, remediation and evaluation has been given, and the probationary officer fails to meet established standards, the Field Training Administrator shall recommend the termination of the probationary officer through the chain of command to the Chief of Police. The final decision to terminate a probationary officer rests with the Chief of Police.

Contacts and Temporary Detentions

415.1 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.

415.1.1 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.

415.2 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 Nixa Police Department to strengthen community involvement, community awareness, and problem identification.

Contacts and Temporary Detentions

415.2.1 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.

415.3 PAT-DOWN SEARCHES

Once a valid stop 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.
- (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/deputy] should be positioned to ensure safety and should not be involved in the search.

415.4 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.

Contacts and Temporary Detentions

415.4.1 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.

415.4.2 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.

415.4.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Shift Supervisor 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 Supervisor 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 Supervisor will forward the photograph and documents to the designated criminal intelligence system supervisor.
- (b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Unit.

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.

415.4.4 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.

Contacts and Temporary Detentions

415.5 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.

415.6 POLICY

The Nixa 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.

Mobile Audio Video

416.1 PURPOSE AND SCOPE

The Nixa Police Department has equipped marked patrol cars with Mobile Audio Video (MAV) recording systems to provide records of events and assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

416.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MAV system to transmit or store video or audio data.

In-car camera system and Mobile Audio Video (MAV) system - Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

MAV technician - Personnel certified or trained in the operational use and repair of MAVs, duplicating methods, storage and retrieval methods and procedures, 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, portable media or any other storage method approved by the Chief of Police.

416.2 POLICY

It is the policy of the Nixa Police Department to use mobile audio and video technology to more effectively fulfill the Department's mission and to ensure these systems are used securely and efficiently.

416.3 OFFICER RESPONSIBILITIES

Daily inspection and general maintenance of MVR equipment installed in marked police units

At the beginning of each shift, or work assignment officers should log in and test the MAV system's operation in accordance with manufacturer specifications and department operating procedures and training.

To immediately report any malfunctions, damage or theft of MVR equipment to the appropriate supervisor

When the MVR is activated, officers shall carry the appropriate audio transmitter to ensure that all events are properly documented. Officers may narrate events using the audio recording, so as to provide the best documentation for pretrial and courtroom presentation

416.4 ACTIVATION OF THE MAV

The MAV system is designed to turn on whenever the unit's emergency lights are activated. The system remains on until it is turned off manually. The audio portion can be independently

Mobile Audio Video

controlled and should be activated manually by the officer whenever appropriate. When audio is being recorded, the video will also record.

416.4.1 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. The MAV system should be activated in any of the following situations:

- (a)
 - 1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
 - 2. Priority responses
 - 3. Vehicle pursuits
 - 4. Prisoner transports
 - 5. DUI/DWI investigations including field sobriety tests

416.4.2 CESSATION OF RECORDING

When the MVR is activated to document an event, it shall not be deactivated until the event has been concluded unless:

- (a) The incident or event is of such duration that the MVR may be deactivated to conserve recording times, i.e. parades, collision investigations, extended traffic control, etc.
- (b) The officer does not reasonable believe that deactivation will result in the loss of critical documentary evidence
- (c) The intention to stop either audio and or video recording shall be noted by the officer verbally, visually, or in written notation. Every intentional deactivation for the MVR on traffic stops shall be documented.

416.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

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.

416.4.4 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.

On reasonable intervals, supervisors should validate that:

- (a) Ensure the MVR equipment is being used in accordance to policy and procedures

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1. To report and correct any officer discrepancies in the use of MVR equipment
2. To inspect for equipment damage, loss or misuse, and to report and investigate the cause
3. To assess officer performance
4. Ensure operators reports document available media
5. Holds for evidence indication and tagging as required

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved accidents), a supervisor shall respond to the scene and ensure that the appropriate supervisor, MAV technician or crime scene investigator 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.

416.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law.

Recordings may be reviewed in any of the following situations:

- (a) 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 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
- (g) By court personnel through proper process or with permission of the Chief of Police or the authorized designee
- (h) By the media through proper process or with permission of the Chief of Police or the authorized designee
- (i) To assess possible training value

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- (j) Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the officer's objection.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

416.6 DOCUMENTING MAV USE

Officers shall document in their report when the MVR has captured an arrest for a felony charge, DWI arrest, any event requested as evidence by an officer, or any other significant event.

416.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. Barring any unforeseen technical issue or lack of storage space, the Nixa Police Department will make efforts to retain MAV recordings on the server for a minimum of one hundred and eighty (180) days. After one hundred and eighty days, if the data is not needed for training, disciplinary reviews, or other investigative purposes, or linked to a citizen complaint, the data may be destroyed or erased to ensure ample storage of future data within the system.

416.7.1 COPIES OF RECORDING MEDIA

All recorded media, recorded images and audio/video recording are property of this department. Dissemination outside of the agency is strictly prohibited without specific written authorization from the Chief of Police or his/her designee.

Request made under the State of Missouri Sunshine Law for copies of recorded media shall be made through the Records Custodian.

At the conclusion of court proceedings for which copies of the media was provided to the prosecutor's office, all copies shall be destroyed.

416.7.2 MAV RECORDINGS AS EVIDENCE

Officers who reasonably believe that a MAV recording is likely to contain evidence relevant to a DWI, Felony arrest, potential claim against the officer, or against the Nixa Police Department should indicate this in an appropriate report. Officers should ensure these relevant recordings are entered as evidence. Officers may enter any MAV recording into evidence that they believe may contain evidence relevant to a criminal offense. Once the recording is entered as evidence, the data file may be erased from the server to ensure ample storage of future data within the system.

416.8 SYSTEM OPERATIONAL STANDARDS

- (a) MAV system vehicle installations should be based on officer safety requirements and vehicle and device manufacturer recommendations.
- (b) The MAV system should be configured to minimally record for 30 seconds prior to an event.

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- (c) The MAV system may not be configured to record audio data occurring prior to activation.
- (d) With the exception of police radios, officers should ensure that the volume from other electronic devices within the police vehicle does not interfere with MVR recordings.

416.9 TRAINING

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.

Mobile Data Terminal Use

417.1 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 appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and the Communications Center.

417.2 POLICY

Nixa 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

417.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the City of Nixa Employee Handbook for additional guidance).

417.4 RESTRICTED ACCESS AND USE

MDT use is subject to City of Nixa Employee Handbook guidance and the Protected Information policy.

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 Supervisors.

Use of the MDT system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and 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.

Mobile Data Terminal Use

417.4.1 USE WHILE DRIVING

Use of the MDT by the vehicle operator should be limited to times when the use of the MDT can be done safely. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

417.5 EQUIPMENT CONSIDERATIONS

417.5.1 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 the on duty supervisor.

417.5.2 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

418.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices 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 Nixa Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

418.2 POLICY

The Nixa 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.

418.3 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.

418.4 ACTIVATION OF THE AUDIO/VIDEO RECORDER

This policy is not intended to describe every possible situation in which the portable 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 portable recorder could be activated in any of the following situations:

- (a) All enforcement and investigative contacts including stops and field interview (FI) 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 a member would normally notify the Communications Center
- (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.

Portable Audio/Video Recorders

Requests by members of the public to stop recording should be considered using this same criterion. 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.

418.4.1 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.

418.4.2 SURREPTITIOUS USE OF THE AUDIO/VIDEO RECORDER

Missouri law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission (§ 542.402, RSMo).

Members of the Department 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.

418.4.3 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.

418.5 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 their 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.

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.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

Portable Audio/Video Recorders

418.6 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 or civil matters.

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 transfer, tag or mark the recordings.

418.7 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 the 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 or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

418.8 COORDINATOR

The Chief of Police or the authorized designee should designate a coordinator responsible for:

- (a) Establishing procedures for the security, storage and maintenance of data and recordings.
- (b) Establishing procedures for accessing data and recordings.
- (c) Establishing procedures for logging or auditing access.
- (d) Establishing procedures for transferring, downloading, tagging or marking events.

Portable Audio/Video Recorders

418.9 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.

Public Recording of Law Enforcement Activity

419.1 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.

419.2 POLICY

The Nixa 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.

419.3 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 officers, him/herself or others.

419.4 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

Public Recording of Law Enforcement Activity

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 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.

419.5 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.

419.6 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

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evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

Bicycle Patrol Unit

420.1 PURPOSE AND SCOPE

The Nixa Police Department has established the Bicycle Patrol Unit for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility and mobility in congested areas. A bicycle's quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

420.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control or special events. Its mobility and visibility in the community are hallmarks of its usefulness.

Bicycles may be deployed to any area at all hours 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 Unit supervisor or the Shift Supervisor.

420.3 SELECTION OF PERSONNEL

Interested licensed personnel, shall submit a request to their appropriate Bureau Commander. A copy will be forwarded to the Bicycle Patrol Unit supervisor. Interested personnel shall be evaluated by the following criteria:

- (a) Minimum one consecutive year of full-time service immediately prior to the last day of the job posting with the Nixa Police Department, and not be on probation in the field training program or on disciplinary probation
- (b) Recognized competence and ability as evidenced by performance
- (c) Special skills or training as they pertain to the assignment
- (d) Good physical condition
- (e) Willingness to perform duties using the bicycle as a mode of transportation

420.3.1 BICYCLE PATROL UNIT SUPERVISOR

The Bicycle Patrol Unit supervisor will be selected by the Operations Bureau Commander or the authorized designee.

The Bicycle Patrol Unit supervisor shall have responsibility for the following:

- (a) Organizing bicycle patrol training
- (b) Inspecting and maintaining inventory of patrol bicycles and program equipment
- (c) Scheduling maintenance and repairs
- (d) Evaluating the performance of bicycle officers

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- (e) Coordinating activities with the Operations Bureau
- (f) Inspecting and documenting, no less than every three months, that bicycles not in active service are in a serviceable condition
- (g) Other activities as required to maintain the efficient operation of the unit

420.4 TRAINING

Participants in the program must complete an initial department-approved bicycle training course after acceptance into the program. Thereafter, bicycle patrol officers should receive yearly in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies
- Bicycle safety and accident prevention
- Operational tactics using bicycles

420.5 UNIFORMS AND EQUIPMENT

Bicycle officers shall wear the department-approved uniform and safety equipment while operating the police bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear. Soft body armor/vest is strongly recommended.

The bicycle uniform consists of the standard short sleeve uniform shirt or Polo shirt with department-approved badge and patches, and black bicycle patrol pants or shorts with a uniform appearance.

Optional equipment includes a jacket in colder weather. Insulated clothing is permitted when worn under the uniform shirt, radio head set and microphone.

Bicycle officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining the necessary forms, citation books and other items needed while on bike patrol.

420.6 CARE AND USE OF PATROL BICYCLES

- (a) Officers will be assigned a specially marked and equipped patrol bicycle.
- (b) Bicycles utilized for uniformed bicycle patrol shall be primarily black or white with a "Police" decal affixed to each side of the crossbar, the bike's saddlebag or attached gear bag. Every bicycle shall be equipped with front and rear reflectors, front and rear lamps and a siren/horn. Lamps and reflectors must meet legal requirements.

Bicycle Patrol Unit

- (c) Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack for attached gear bags and/or saddle bags sufficient to carry the necessary equipment for handling routine patrol calls, including report writing, vehicle storage and citations.
- (d) Each bicycle gear bag shall include a first-aid kit, tire pump, repair tool, tire tube, security lock with chain/cable, equipment information and use manuals. These items are to remain with/on the bicycle at all times.
- (e) Each bicycle shall be equipped with a flashing, oscillating or rotating red signal light that is visible from the front, sides or rear of the bicycle.
- (f) Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to ensure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).
- (g) If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the program supervisor for repair by an approved technician.
- (h) Each bicycle will have scheduled maintenance twice yearly, to be performed by a repair shop/technician that is approved by the Department.
- (i) At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.
- (j) Officers shall not modify the patrol bicycle, remove, modify or add components except with the express approval of the bicycle supervisor or in the event of an emergency.
- (k) Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.
- (l) Bicycles shall be properly secured when not in the officer's immediate presence.

420.7 OFFICER RESPONSIBILITIES

Officers should operate the bicycle in compliance with Missouri law, unless their duties require otherwise. Officers may operate the bicycle without lighting equipment during hours of darkness only when it reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment or in violation of routine rules of the road.

Foot Pursuits

421.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

421.2 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.

421.3 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.

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- (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.

421.4 GENERAL GUIDELINES

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 suspect 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 Communications Center 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 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 pursuit, requiring immediate assistance and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer known.

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- (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.
- (o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other environmental conditions.

421.5 RESPONSIBILITIES IN FOOT PURSUITS

421.5.1 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 pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be implemented and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the Communications Center 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.

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421.5.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

421.5.3 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.

Automated License Plate Readers (ALPR)

422.1 PURPOSE AND SCOPE

Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition, provides automated detection of license plates. The ALPR is used by the Nixa Police Department to convert data associated with vehicle license plates and use it for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. The ALPR may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

422.2 ADMINISTRATION OF ALPR DATA

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Support Bureau Commander. The Support Bureau Commander will assign personnel under his/her command to administer the day-to-day operation of the ALPR equipment and data.

422.3 ALPR OPERATION

Use of ALPR is restricted to the purposes outlined below. Department personnel shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

- (a) An ALPR shall only be used for official and legitimate law enforcement business.
- (b) An ALPR may be used in conjunction with any patrol operation or official department investigation. Reasonable suspicion or probable cause is not necessary before using ALPR.
- (c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas surrounding homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- (e) No ALPR operator may access MULES data unless otherwise authorized to do so.
- (f) If practicable, the officer should verify an ALPR response through MULES before taking enforcement action that is based solely upon an ALPR alert.

422.4 ALPR DATA COLLECTION AND RETENTION

All data and images gathered by ALPR are for the official use of the Nixa Police Department. Because such data may contain confidential information, it is not open to public review. The ALPR information gathered and retained by this department may be used and shared with prosecutors or others only as permitted by law.

Automated License Plate Readers (ALPR)

The Support Bureau Commander is responsible to ensure proper collection and retention of ALPR data, and for transferring ALPR data stored in department vehicles to the department server on a regular basis, not to exceed 30 days between transfers.

All ALPR data downloaded to the server should be stored for the period identified in the department records retention schedule. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

422.5 ACCOUNTABILITY AND SAFEGUARDS

All saved data will be closely safeguarded and protected by both procedural and technological means. The Nixa Police Department will observe the following safeguards regarding access to and use of stored data:

- (a) All non-law enforcement requests for access to stored ALPR data shall be referred to the Records Clerk and processed in accordance with applicable law.
- (b) All ALPR data downloaded to the mobile work station and server shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.
- (c) Persons approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- (d) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies at any time for legitimate law enforcement purposes.
- (e) ALPR system audits should be conducted on a regular basis.

Homeless Persons

423.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Nixa Police Department recognizes that members of the homeless community are often in need of special protection and services. The Nixa Police Department will address these needs in balance with the overall mission of this department. Therefore, officers will consider the following policy when serving the homeless community.

423.1.1 POLICY

It is the policy of the Nixa Police Department to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

423.2 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent 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 to problems that may relate to the homeless, such as shelter referrals, counseling and summons and release in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

423.2.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of our community. The fact that a victim or witness is homeless may require special consideration for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

- (a) Document alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.
- (b) Document places the homeless person may frequent.
- (c) Provide homeless victims with victim/witness resources when appropriate.
- (d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.

Homeless Persons

- (e) Consider whether the person may be a dependent adult or elder and if so, proceed in accordance with the Adult Abuse Policy.
- (f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.
- (g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.

423.3 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard their personal property.

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, the arrestee's personal property 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 the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in cleanup operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor..

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423.4 MENTAL ILLNESSES AND MENTAL IMPAIRMENTS

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person for an emergency admission to a mental health facility unless facts and circumstances warrant such a detention.

When a mental illness hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance, as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

423.5 ECOLOGICAL ISSUES

Sometimes homeless encampments can affect 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 departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

Crisis Intervention Incidents

424.1 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.

424.1.1 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; non-compliance 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.

424.2 POLICY

The Nixa 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.

424.3 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
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

Crisis Intervention Incidents

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

424.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Operations Bureau Commander or his designee should 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.

424.5 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 alone 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.
- (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.

Crisis Intervention Incidents

424.6 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, 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 (e.g., 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.

424.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the telecommunicator provide critical information as it becomes available. This includes:

- (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, 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.

424.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

Crisis Intervention Incidents

- (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) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, 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 Bureau Commander.
- (f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

424.9 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.

424.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Civil Commitments Policy.

424.10 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS

Civilian 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.

424.11 EVALUATION

Crisis Intervention Incidents

The Operations Bureau Commander or his designee should 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.

424.12 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.

First Amendment Assemblies

425.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

425.2 POLICY

The Nixa 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.

425.3 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, trespass, noise, picketing, distribution of handbills and leafleting, loitering and disturbing judicial proceedings. 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 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.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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425.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; 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 and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

425.4 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, the following:

- 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 the Communications Center, 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.

425.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

425.5.1 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.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- 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).

425.5.2 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 (e.g., helmets, shields).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multijurisdictional event.
- (g) Liaison with demonstration leaders and external agencies.
- (h) 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.
- (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.

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- (t) Parameters for the use of body-worn cameras and other portable recording devices.

425.5.3 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 Mutual Aid and Outside Agency Assistance Policy).

425.6 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.

425.7 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 Techniques, 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 Conductive Electrical Weapons should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

First Amendment Assemblies

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.

425.8 ARRESTS

The Nixa 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 Citation Releases Policy).

425.9 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 News Media Relations Policy).

425.10 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 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.

First Amendment Assemblies

425.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

- (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, the Communications Center records/tapes
- (g) Media accounts (print and broadcast media)

425.11.1 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 including the following:

- (a) Date, time and description of the event
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
- (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.

425.12 TRAINING

Department members should 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

426.1 PURPOSE AND SCOPE

This policy provides members of the Nixa 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 Missouri law.

426.2 POLICY

The Nixa 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.

426.3 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 not intended to be an exhaustive list, members should give considerations 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 including valid consent.
- (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.

Civil Disputes

426.4 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 the following:

- (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.

426.4.1 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.

426.5 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.

426.5.1 REPOSSESSIONS

The Shift Supervisor shall ensure that the appropriate inquiry and entries are made into the Missouri Uniform Law Enforcement System (MULES) when the Department receives notice that a vehicle has been repossessed in its jurisdiction (§ 304.155 RSMo).

Civil Disputes

426.6 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.

Medical Aid and Response

427.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons who appear to be in need of medical aid and establishes a law enforcement response to such situations.

427.2 POLICY

It is the policy of the Nixa Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

427.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR and 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 the Communications Center and request 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 the Communications Center 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. 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 excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

Medical Aid and Response

427.4 TRANSPORTING ILL AND INJURED PERSONS

Except in extraordinary 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.

427.5 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 care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks 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 a civil 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 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.

427.5.1 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.

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.

Medical Aid and Response

427.6 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 Techniques, and Conducted Energy Device policies.

427.7 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

427.7.1 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 Officer who is responsible for ensuring appropriate maintenance.

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 the Communications Center as soon as possible and request response by EMS.

427.7.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

A copy of the report should be forwarded to the Training Officer.

427.7.3 AED TRAINING AND MAINTENANCE

The Training Officer shall ensure appropriate training is provided to members authorized to use an AED. Training shall follow standards created by the American Red Cross, the American Heart Association, or equivalent standards from a nationally recognized organization in the use of AED and CPR (§ 190.1005, RSMo).

The Training Officer is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule.

The Training Officer is responsible for ensuring AED devices are appropriately maintained according to the requirements of § 190.092, RSMo, including:

- (a) Tested at least every two years.
- (b) Tested after each use.
- (c) Inspected at least every ninety days for potential issues related to the operation of the device.

427.8 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

The Operations Bureau Commander may authorize the acquisition of opioid overdose medication as provided in § 190.255, RSMo for use by members. The Training Officer is responsible for the storage, maintenance, control and general oversight of the opioid overdose medication acquired by the Department.

Medical Aid and Response

Only members who have received training in recognizing and responding to an opioid overdose and in the administration of opioid overdose medication may administer opioid overdose medication (§ 190.255, RSMo).

427.8.1 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 Officer.

Any member who administers an opioid overdose medication should contact the Communications Center as soon as possible and request response by EMS.

427.8.2 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in an appropriate report.

427.8.3 OPIOID OVERDOSE MEDICATION TRAINING

The Training Officer should ensure training is provided to members authorized to administer opioid overdose medication.

Armored Vehicle Operation

428.1 PURPOSE AND SCOPE

The purpose of this policy is to guide the use of the Emergency Rescue Armored Personnel Vehicle.

428.2 POLICY

The acquisition and operational use of this vehicle is as an element of the Nixa Emergency Tactical Team (NETT) The NETT program relies on substantial research regarding the historical and current threat posed by active shooters and armed intruders in Nixa Missouri and the geographical area encompassed by Nixa Missouri and the associated risk management and threat mitigation measures that should be considered. The NETT program in general, and this resource, in particular, has a single guiding principle and intention: that the Nixa Police Department does everything possible to fulfill our responsibility and obligation to protect and keep safe the citizens residing in the City of Nixa, and the surrounding areas.

It is understood that the armored personnel vehicle shall have as its exclusive operational purpose the enhanced physical protection of its occupants, whether those occupants are deputies/police officers, medical professionals, other authorized first responders or wounded/potential victims. The operational deployment of this vehicle shall be undertaken only as a lifesaving measure.

428.3 VEHICLE CONSIDERATIONS

For the purposes of this policy and radio call sign/recognition, this vehicle shall be referred to as MRAP 1.

The vehicle shall prominently display the appropriate graphics of the Police in words and symbols to eliminate any perception that the vehicle is under the operational control of US armed forces. The vehicle shall prominently display the words "Emergency Response" so that its intended and sole purpose is unequivocally clear to the community. This vehicle shall not be equipped with or armed with any weapon systems whatsoever, other than the issued weapons that the officers assigned to MRAP 1 shall have individually under their control.

This vehicle is equipped with emergency equipment, but is not intended for high speed response or operation; therefore it should be driven within posted speed limits and not to exceed 60 mph. Except in the most exigent of emergency circumstances, both a driver and observer shall be deployed to operate the vehicle and ensure its safe operation.

MRAP 1 shall be appropriately titled and registered both with Nixa Police Department and the state's exempt license plate program. The vehicle shall also be made available for any applicable state inspection program.

A vehicle mileage and maintenance logs for vehicle usage will be in the custody of the Team Commander or his designee.

Armored Vehicle Operation

The specific ballistic level of vehicle armoring, ballistic protection afforded and associated vehicle specifications/configurations is Law Enforcement Sensitive Information and shall not be disclosed other than to those with a demonstrated need and right to know.

The maintenance schedule unique to this vehicle will be adhered to by the SWAT Commander or his designee.

The vehicle will be located at a confidential secure location under the control of Nixa Police Department and should be appropriately protected from the elements.

This vehicle will be insured with the applicable deductible.

The vehicle will be equipped with the appropriate medical/trauma care equipment to include, but not be limited to, an emergency medical kit, and at least two multi-purpose fire extinguishers.

Inspection of this vehicle by Nixa Police Department shall occur as both a part of the regular vehicle inspection and on other occasions as determined by the program manager.

428.4 TRAINING REQUIREMENTS

Other than in emergency or exigent circumstances, only drivers who have been selected or possess a current and valid Missouri Driver's license (Class F non- CDL) and have had proper training and familiarization on the characteristics of operating this vehicle, will be authorized to drive this vehicle. The SWAT Commander or his designee will maintain a log of authorized drivers to ensure compliance.

The SWAT Commander should ensure that officers/deputies receive training in emergency medical evacuation supported by similarly equipped vehicles.

428.5 PROCEDURE

- (a) It is the position of Nixa Police Department that all geographical areas within the City of Nixa can be supported by MRAP 1.
- (b) MRAP 1 is considered an option to be used only in the following circumstances and with the express authorization of the Nixa Police Department: In response to armed intruder or active shooter situations in which first responder or other tiered defensive measures have failed, been defeated or overwhelmed or the nature of the violence is so substantial or protracted that the use of MRAP 1 is required immediately; this includes inserting officers into live fire zones to conclude an active shooter threat; extracting wounded victims or those exposed to active shooter fire or related dangers; inserting tactical medical assets in an effort to reduce casualties and provide emergency tactical casualty care to those already wounded; use as a defensive position or barricade; response to similar high risk tactical events/operations (e.g. a terrorist attack) where the risk of serious bodily injury or death to others as posed by a criminal offender has been demonstrated and other response measures are insufficient.

Armored Vehicle Operation

- (c) Under no circumstances will this vehicle be utilized as part of a response to public assemblies, protests, demonstrations, exercises of the First Amendment right to free speech, or for the control of civil disorder unless the circumstances cited above in the above bullet point (number 2) exist concurrently.
- (d) This vehicle will not be part of any public demonstration and shall not be staged on any institution campus unless such staging or deployment is in immediate preparation for its operational use.
- (e) The only authorized alternative use for MRAP 1 shall be as assigned and operationally required in anticipation of or response to a natural disaster or catastrophic event without a criminal nexus (e.g. hurricane, tornado, flood, earthquake, and wildfire) where lifesaving access to areas that cannot otherwise be achieved is critical.
- (f) All security devices on the vehicle will be activated when the vehicle is left unattended. In any instance in which the vehicle is left temporarily in a public location, the vehicle will be parked such that it can be viewed by the vehicle operators and responded to immediately or an officer will be assigned to provide security on the vehicle.
- (g) The Team Commander will oversee and approve any movement of the vehicle.

At the direction of the Nixa Police Department, SWAT commander, or incident commander, this vehicle may be used to transport injured peace officers or civilian victims to a hospital or trauma center if necessary for urgent medical purposes; any such decision would be made in coordination with other Emergency Medical Services providers on the scene of the incident as necessary.

428.6 DEPLOYMENT FOR MUTUAL AID

Deployment of the vehicle for mutual aid or at the request of an outside law enforcement agency is permissible only with the authorization of the Nixa Police Department and if the operation or response meets the requirements for the vehicle to be otherwise deployed. Only Nixa Police Department trained drivers shall operate the vehicle for mutual aid or at the request of another law enforcement agency. Under no circumstances shall the vehicle be operated by a member of another law enforcement agency. Nixa Police Department may decline a request to use the vehicle if the use is not consistent with the vehicle mission and use criteria and may terminate the use of the vehicle if the circumstances are not being managed appropriately, public safety is being threatened or jeopardized, or continued use of the vehicle would serve no demonstrable law enforcement purpose any longer.

Operations Planning and Deconfliction

429.1 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.

429.1.1 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.

429.2 POLICY

It is the policy of the Nixa 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.

429.3 OPERATIONS DIRECTOR

The Tactical Team Leader of this department will be the operations director. In his absence a tactical team supervisor will fill this role or assign a designee.

The operations director will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The operations director will review risk 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.

429.4 RISK ASSESSMENT

429.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk 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:

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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 risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

429.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk 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 risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

429.4.3 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:
 - (a) Nixa Emergency Tactical Team (NETT)
 - (b) Additional personnel
 - (c) Outside agency assistance
 - (d) Special equipment
 - (e) Medical personnel
 - (f) Persons trained in negotiation
 - (g) Additional surveillance

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- (h) Canines
 - (i) Property and Evidence Unit or analytical personnel to assist with cataloguing seizures
 - (j) Forensic specialists
 - (k) 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.

429.5 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 operations director 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.

429.6 OPERATIONS 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,

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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 risk 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.
 - 1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
 - 2. 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.

429.6.1 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 in accordance with the established records retention schedule.

429.7 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.

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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.
 - (a) It is the responsibility of the operations director to ensure that the Communications Center 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.
 - (b) If the radio channel needs to be monitored by the Communications Center, 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.
 - (c) 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.

429.8 NETT PARTICIPATION

If the operations director determines that NETT participation is appropriate, the director and the NETT supervisor shall work together to develop a written plan. The NETT 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 NETT supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

429.9 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 News Media Relations Policy.

429.10 OPERATIONS DEBRIEFING

Operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible.

Operations Planning and Deconfliction

429.11 TRAINING

The Training Officer should ensure officers and NETT team members who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

Medical Marijuana

430.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the acquisition, possession, transportation, delivery, production, or use of marijuana under Missouri's medical marijuana laws (Mo. Const. art. XIV, § 1).

430.1.1 DEFINITIONS

Definitions related to this policy include (Mo. Const. art. XIV, § 1; 19 CSR 30-95.010):

Allowable amount of marijuana – The amount includes (19 CSR 30-95.030):

- (a) Cultivators:
 - 1. Up to six flowering marijuana plants
 - 2. Six non-flowering marijuana plants (over 14 inches tall).
 - 3. Six clones (plants under 14 inches tall).
 - 4. A 90-day supply of dried, unprocessed marijuana or its equivalent
- (b) Non-cultivators may possess a 60-day supply of dried, unprocessed marijuana or its equivalent.

Marijuana – Cannabis indica, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana-infused products.

Medical use – The production, possession, delivery, distribution, transportation, or administration of marijuana or a marijuana-infused product (e.g., edible products, ointments, tinctures, concentrates), or drug paraphernalia used to administer marijuana or a marijuana-infused product, for the benefit of a qualifying patient to mitigate the symptoms or effects of the patient's qualifying medical condition.

Physician certification – A document, whether handwritten, electronic, or in another commonly used format, signed by a physician and stating that, in the physician's professional opinion, the patient suffers from a qualifying medical condition.

Primary caregiver – An individual 21 years of age or older who has significant responsibility for managing the well-being of a qualifying patient and who is designated as such on the primary caregiver's application for an identification card under this section or in other written notification to the department.

Qualifying patient – A Missouri resident diagnosed with at least one qualifying medical condition.

430.2 POLICY

It is the policy of the Nixa Police Department to prioritize resources to avoid making arrests related to marijuana that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

Medical Marijuana

Missouri medical marijuana laws are intended to provide protection from arrest, prosecution, civil liability, or sanctions under Missouri law to those who use, possess, deliver, or produce marijuana to mitigate the symptoms of certain chronic or debilitating medical conditions. However, Missouri medical marijuana laws do not affect federal laws, and there is no medical exception under federal law for the possession or distribution of marijuana. The Nixa Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under Missouri law and the resources of the Department.

430.3 INVESTIGATION

Investigations involving the possession, delivery, production, or use of marijuana generally fall into one of several categories:

- (a) Investigations when no person makes a medical claim.
- (b) Investigations when a medical claim is made by a qualifying patient with an identification card or physician certification.
- (c) Investigations involving primary caregivers.

430.3.1 INVESTIGATIONS WITH NO MEDICAL CLAIM

In any investigation involving the possession, delivery, production, or use of marijuana or drug paraphernalia where no person claims that the marijuana is used for medicinal purposes, the officer should proceed with a criminal investigation. A medicinal claim may be raised at any time, so officers should document any statements and observations that may be relevant to whether the marijuana was possessed or produced for medicinal purposes.

430.3.2 INVESTIGATIONS INVOLVING MEDICAL CLAIM BY IDENTIFICATION CARD OR PHYSICIAN CERTIFICATION HOLDER

A qualifying patient is required to possess an identification card or physician certification when in possession of marijuana. Officers shall not take enforcement action against a qualifying patient for possession of the allowable amount of marijuana if the patient has his/her identification card or physician certification (Mo. Const. art. XIV, § 1). However, officers should treat a person without an identification card or physician certification in his/her possession as if it were in his/her possession if the person's status can be verified through query or other sources.

Officers shall not take enforcement action in cases where a qualifying patient possesses an amount of marijuana that exceeds the allowable amount if the qualifying patient's physician certification indicates that the patient requires a greater amount (Mo. Const. art. XIV, § 1; 19 CSR 30-95.030).

430.3.3 INVESTIGATIONS INVOLVING PRIMARY CAREGIVERS

Primary caregivers may possess a separate legal limit for each qualifying patient under their care and a separate legal limit for themselves if they are a qualifying patient (Mo. Const. art. XIV, § 1; 19 CSR 30-95.030).

Medical Marijuana

Primary caregivers are required to possess a valid primary caregiver identification card. Officers shall not take enforcement action against a primary caregiver for possession of the allowable amount of marijuana if the caregiver is in possession of their identification card (Mo. Const. art. XIV, § 1). Officers should treat a caregiver without an identification card in his/her possession as if it were in his/her possession if his/her status can be verified through query or other sources.

430.3.4 ADDITIONAL CONSIDERATIONS

Officers should consider the following when investigating an incident involving marijuana possession, delivery, production, or use:

- (a) Because enforcement of medical marijuana laws can be complex, time-consuming, and can call for resources unavailable at the time of initial investigation, officers may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:
 - 1. The suspect has been identified and can be easily located at another time.
 - 2. The case would benefit from review by a person with expertise in medical marijuana investigations.
 - 3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.
 - 4. Any other relevant factors exist, such as limited available department resources and time constraints.
- (b) Whenever the initial investigation reveals an amount of marijuana greater than that specified by law, officers should consider and document, in anticipation of an affirmative defense:
 - 1. The amount of marijuana recommended by a medical professional to be ingested.
 - 2. The quality of the marijuana.
 - 3. The method of ingestion (e.g., smoking, eating, nebulizer).
 - 4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
 - 5. Whether the marijuana is being cultivated indoors or outdoors, the climate.
- (c) Before proceeding with enforcement related to a medical marijuana cultivation facility, infused products manufacturing facility, or dispensary facility, officers should consider conferring with appropriate legal counsel and the Missouri Department of Health and Senior Services.

430.3.5 EXCEPTIONS

This policy does not apply to the following offenses. Officers may take enforcement action if the person (Mo. Const. art. XIV, § 1):

- (a) Operates or is in actual physical control of any dangerous device, motor vehicle, aircraft, or motorboat while under the influence of marijuana.

Medical Marijuana

- (b) Consumes marijuana for a medical use in a public place, unless allowed by law.

430.4 FEDERAL LAW ENFORCEMENT

Officers should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the officer believes those authorities would have a particular interest in the information.

430.5 EVIDENCE

430.5.1 MEMBER RESPONSIBILITIES

The investigating member should notify the receiving Property and Evidence Unit member in writing when medical marijuana may be the subject of a medical claim.

430.5.2 PROPERTY AND EVIDENCE UNIT SUPERVISOR RESPONSIBILITIES

The Property and Evidence Unit supervisor should ensure that marijuana, drug paraphernalia, or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed. The Property and Evidence Unit supervisor is not responsible for caring for live marijuana plants.

Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Property and Evidence Unit supervisor should as soon as practicable return to the person from whom it was seized any useable marijuana, plants, drug paraphernalia, or other related property.

The Property and Evidence Unit supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Criminal Investigations supervisor.

Chapter 5 - Traffic Operations

Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The goal of traffic law enforcement is to reduce traffic collisions and improve the safety and quality of life for the community through traffic law compliance. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, traffic conditions and other data. This department provides enforcement efforts, not only in proportion to the frequency of their occurrence in accident situations but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Nixa Police Department. Information provided by the Missouri State Highway Patrol (MSHP) is a valuable resource for traffic accidents and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of traffic laws and address accident-causing violations during those periods and at those locations where the incidence of collisions is increased. As a matter of routine, all officers will take directed enforcement action on request, and random enforcement action when appropriate, against violators (§ 300.075, RSMo). All officers shall maintain high visibility while working general enforcement, especially at high-accident incidence locations.

Other factors to be considered for deployment are citizen requests, construction zones, school zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of traffic citations issued by any officer shall not be used as criterion for evaluating officer overall performance. No officer shall be asked to increase their issuance of traffic citations or meet a quota (§ 575.320, RSMo; § 304.125, RSMo). The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions.

Traffic Function and Responsibility

500.3.1 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.

500.3.2 TRAFFIC CITATIONS

Traffic citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at minimum:

- (a) Explanation of the violation or charge
- (b) Court appearance procedure, including the optional or mandatory appearance by the motorist
- (c) The court contact information

500.3.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses. These physical arrest cases usually deal with, but are not limited to the following:

- (a) Negligent homicide
- (b) Driving under the influence of alcohol/drugs
- (c) Hit-and-run resulting in serious injury or death
- (d) Hit-and-run resulting in damage to any vehicle or property
- (e) Reasonable cause to believe the violator may leave the state

500.4 RECORDS OF TRAFFIC VIOLATIONS

The Department shall maintain records of all violations of local and state vehicle laws including the final disposition of all offenses (§ 300.025, RSMo). The records shall be available to the public as specified in the Records Maintenance and Release and include the most recent five-year summary of citations.

500.5 REVOKED DRIVER LICENSE

If an officer contacts a traffic violator who is also driving on a cancelled, suspended or revoked license, the officer should issue a traffic citation or make an arrest as appropriate.

500.6 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, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601).

Traffic Function and Responsibility

Although intended primarily for use while performing traffic-related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

500.6.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers 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.

Vests maintained in the investigation units may be used any time a plainclothes officer might benefit from being readily identified as an officer.

Traffic Accident Response And Reporting

501.1 PURPOSE AND SCOPE

The public safety responsibilities of law enforcement include responding to traffic accidents, providing aid and assistance, documentation of the incident and identification of criminal activity. The Nixa Police Department prepares traffic accident reports in compliance with the Missouri Model Traffic Ordinance (Chapter 300, RSMo) and as a public service makes traffic accident information available to the public.

501.2 CALL RESPONSE

A traffic accident with reported injuries may include an emergency response if the officer reasonably believes such a response is appropriate.

501.2.1 RESPONSE CONSIDERATIONS

An officer responding to and upon arrival at an accident, should consider the following:

- (a) The most appropriate route to the incident
- (b) Proper placement of the emergency vehicle to provide protection for officers and the scene
- (c) Potential for involvement of hazardous materials
- (d) Additional support that may be necessary (e.g., traffic control, medical aid, HAZMAT, ambulance, tow vehicles and airship landing)
- (e) Providing first aid to any injured parties if it can be done safely, and obtaining medical assistance as necessary
- (f) Traffic control and protection of the scene
- (g) Clearance of the roadway

501.3 ACCIDENT INVESTIGATION

Investigation of traffic collisions should include, at minimum, the following:

- (a) Identification and interview of all involved parties
- (b) Identification and interview of any witnesses
- (c) Determination if a crime has occurred and taking 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 and reporting) on appropriate report forms

Traffic Accident Response And Reporting

501.4 TAKING ENFORCEMENT ACTION

After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of Missouri law led to the accident, officers should issue a traffic citation or a misdemeanor citation to the offending driver. Officers may arrest a person when there is probable cause to believe that a violation was committed by the person to be arrested (§ 300.030, RSMo).

Incidents involving more serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter or other felonies, shall be enforced immediately. If a driver subject to enforcement is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

501.5 TRAFFIC ACCIDENT REPORTING

501.5.1 OFFICER RESPONSIBILITIES

Department members shall utilize the Missouri Uniform Crash Report (MUCR) form for the reporting of traffic accidents.

501.5.2 MODIFICATIONS TO TRAFFIC ACCIDENT REPORTS

A change or modification of a written report that alters a material fact in the report may be made only by the person who prepared the report prior to its approval and distribution. A written supplemental report may be made by any authorized employee.

501.6 REPORTING SITUATIONS

501.6.1 TRAFFIC ACCIDENTS INVOLVING CITY VEHICLES

Traffic accident investigation reports shall be taken when a City-owned vehicle is involved in a traffic accident on a roadway or highway, wherein any damage or injury results. Police department vehicle crashes involving animals, objects, or unoccupied vehicles will be investigated by another Nixa Police Department member not involved in the incident. When a police department vehicle crashes and involves occupied vehicles, injuries, pedestrians, or unoccupied vehicles with extensive damage, the Shift Supervisor should request an outside agency, such as the Missouri State Highway patrol, complete an investigation and report.

Photographs of the accident scene and vehicle damage shall be taken at the discretion of the investigating officer or any supervisor.

501.6.2 INJURY OR FATALITY TRAFFIC ACCIDENTS WITH POLICE DEPARTMENT EMPLOYEES

When an employee of this department, either on- or off-duty, is involved in a traffic accident within the jurisdiction of the Nixa Police Department and it results in a serious injury or fatality, the Shift Supervisor should request the MSHP or other outside agency to complete an investigation and report.

The term serious injury is defined as any injury that may result in a fatality.

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Traffic Accident Response And Reporting

501.6.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS

The Shift Supervisor shall request assistance from the MSHP or other outside agency for the investigation of any traffic accident involving any City official or employee where a serious injury or fatality has occurred.

501.6.4 TRAFFIC COLLISIONS INVOLVING INJURED ANIMALS

Department members should refer to the Animal Control Policy when a traffic accident involves disposition of an injured animal.

Vehicle Towing and Release

502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Nixa Police Department and pursuant to state law (§ 304.155, RSMo; § 304.157, RSMo; § 304.158, RSMo).

502.2 RESPONSIBILITIES

The responsibilities of those employees storing or impounding a vehicle are as follows.

502.2.1 COMPLETION OF CRIME INQUIRY AND INSPECTION REPORT FORM

Department members requesting towing of a vehicle shall complete a Crime Inquiry and Inspection Report, Form 4569, that includes written authorization pursuant to § 304.155.3, RSMo for the tow truck operator to possess the vehicle and a description of property within the vehicle. A copy is to be given to the tow truck operator and the original is to be submitted to the Records Unit as soon as practicable after the vehicle is stored.

Approved storage forms shall be promptly submitted so that they are immediately available for release or for information should inquiries be made.

502.2.2 ACCEPTANCE OF ABANDONED PROPERTY REPORT FORM

Department members shall accept Abandoned Property Reports, Form 4669 from a towing company that has removed a vehicle from private property within the City of Nixa (§ 304.157.7, RSMo). The report shall be signed by an officer and a copy provided to the towing company.

Department members receiving an Abandoned Property Report shall search the records of the Department of Revenue and provide the towing company with the latest owner and lien holder information (§ 304.157.8, RSMo).

502.2.3 REMOVAL OF A VEHICLE DISABLED IN A TRAFFIC ACCIDENT

When a vehicle has been involved in a traffic accident and must be removed from the scene, the officer shall have the driver select a towing company, if reasonably possible, and shall relay the request for the specified towing company to the Communications Center. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in the Communications Center.

If the owner is incapacitated or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in an accident, the officer shall request the dispatcher to call a company selected from the rotational list of towing companies. The officer will then conduct an inventory and store the vehicle using a Crime Inquiry and Inspection Report, Form 4569.

502.2.4 DRIVING A NON-CITY VEHICLE

Vehicles that have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with parking regulations.

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Vehicle Towing and Release

502.2.5 RECORDS UNIT RESPONSIBILITY

Crime Inquiry and Inspection Reports and Abandoned Property Reports shall be promptly filed so that they are immediately available for release or review should inquiries be made.

Records Unit personnel should promptly enter pertinent data from a completed Crime Inquiry and Inspection Report or an Abandoned Property Report into the National Crime Information Center (NCIC) and Missouri Uniform Law Enforcement System (MULES) to determine if the vehicle has been reported stolen (§ 304.155.6, RSMo; § 304.157.7, RSMo).

Records Unit personnel shall notify the registered owner and any lien holder of abandoned vehicles in writing within five working days after removal of the vehicle (§ 304.158.1, RSMo). The notice shall indicate the vehicle was towed, the grounds for the towing and the place where the vehicle is being stored.

502.3 TOWING SERVICES

The City of Nixa periodically selects one or more firms to act as official tow services. Those firms will be used in the following situations:

- (a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
- (b) When a vehicle is being held as evidence in connection with an investigation.
- (c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles and the removal of vehicles obstructing traffic in violation of state or local regulations.
- (d) When department vehicles need to be towed as a result of damage or are in need of repair.

If more than one firm has been selected, they shall be placed on a rotation list.

502.4 TOWING AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by towing the arrestee's vehicle subject to the exceptions described below. The vehicle, however, shall be towed whenever it is needed for the furtherance of an investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be towed (e.g., traffic hazard, high crime area).

Situations where consideration should be given to not to tow a vehicle include.

- Situations where the vehicle was not used to further the offense for which the occupant was arrested or is not subject to forfeiture proceedings and there is a valid driver at the scene to which the owner/driver wishes to relinquish control of the vehicle to said person..
- Whenever the licensed owner of the vehicle is present, willing and able to take control of any vehicle not involved in criminal activity.

Vehicle Towing and Release

502.5 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the Crime Inquiry and Inspection Report Form 4569. Additionally, all vehicles released to another driver will be inventoried and the contents recorded on a departmental "Vehicle Inventory" form. This includes the trunk and any compartments or containers, even if they are closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practicable in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while the owner is in police custody, to provide for the safety of officers and the public, and to protect the Department against fraudulent claims of lost, stolen or damaged property.

If the apparent potential for damage to a locked container reasonably appears to outweigh the protection of the items inside, other options to consider regarding locked containers include, but are not limited to, obtaining access to the locked container from the owner, placing the locked container into safekeeping or obtaining a written waiver of responsibility for the contents of the locked container.

502.6 PRESERVATION OF EVIDENCE

An officer removing a vehicle who has probable cause to believe that the vehicle or its contents constitute any evidence which tends to show that a criminal offense has been committed, or tends to show that a particular person has committed a criminal offense, should ensure that all legally required and reasonably necessary efforts to preserve the evidence, including but not limited to, safe storage, are taken until the evidence is released to the owner or otherwise disposed of according to law.

502.7 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, an officer should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cellular telephone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property.

Traffic Citations

503.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the collection of data, the procedure for dismissal, correction and voiding of traffic citations.

503.2 RESPONSIBILITIES

Employees of this department shall use the State of Missouri Uniform Traffic Ticket for all traffic and parking offense citations (§ 300.575, RSMo; § 300.585, RSMo).

The Records Unit shall be responsible for the supply and accounting of all traffic citations issued to employees of this department. Citations will be kept in a secure location and issued to officers by the Records Unit staff.

503.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued without supervisor approval. Any request from a recipient to dismiss a citation shall be referred to their immediate supervisor. Upon a review of the circumstances involving the issuance of the traffic citation, the immediate supervisor may recommend dismissal and void the traffic citation up to 24-hours after the traffic citation was issued. After 24-hours all requests must be directed through the Operations Bureau Commander. If approved, the citation will be forwarded to the appropriate prosecutor with a request for dismissal. All recipients of traffic citations whose request for dismissal has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the officer may request that the court dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Operations Bureau Commander for review.

503.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Records Unit.

503.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a letter requesting a specific correction to his/her immediate supervisor. The citation and letter shall then be forwarded to the Records Unit. The Records Unit shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.

Traffic Citations

503.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be stored electronically in the mobile ticketing records system for periodic review by the employee's immediate supervisor. Any manually entered tickets shall be entered into the mobile ticketing records system and the citation copies shall then be filed with the Records Unit.

Upon separation from employment with this department, all employees who were issued traffic citation books shall return any unused citations to the Records Unit.

503.7 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles vary from the procedure for adults. The juvenile's age, place of residency and the type of offense should be considered before issuing the juvenile a citation.

503.8 RECORDS OF TRAFFIC VIOLATIONS

The Records Unit shall maintain a five-year record of the number and type of traffic violations including the final disposition of all alleged offenses (§ 300.025, RSMo).

Disabled Vehicles

504.1 PURPOSE AND SCOPE

The Nixa Police Department has adopted this policy regarding providing assistance to motorists in disabled vehicles within this organization's jurisdiction.

504.2 OFFICER RESPONSIBILITIES

When an on-duty officer observes a disabled vehicle, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance.

504.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After assistance is rendered or arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of department resources and the vulnerability of the disabled motorist.

504.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle.

504.3.2 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.

504.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.

Abandoned Motor Vehicles

505.1 PURPOSE AND SCOPE

This policy provides procedures for the removal, recording and storage of vehicles abandoned in violation of abandoned vehicle laws (§ 304.155, RSMo; § 304.157, RSMo).

505.1.1 DEFINITIONS

Definitions related to this policy include:

Abandoned motor vehicle - A motor vehicle is abandoned if:

- (a) It is on public property and (§ 304.155.1, RSMo):
 - 1. In an urbanized area, left unattended on any state or interstate highway for a period of 10 hours or immediately if an officer of this department determines it is a serious hazard to other motorists.
 - 2. Outside an urbanized area, left unattended on any state or interstate highway or freeway for a period of 24 hours or after four hours if an officer of this department determines it is a serious hazard to other motorists.
- (b) It is on private property and (§ 304.157.1, RSMo):
 - 1. Left unattended without consent for at least 48 hours or as established by a local ordinance.
 - 2. An officer determines the vehicle constitutes a safety hazard or unreasonably interferes with the use of the private property.

505.2 MARKING VEHICLES

Vehicles on public roadways suspected of being abandoned in violation of Missouri laws shall be marked or documented via the computer aided dispatch (CAD) system. No case number is required at this time.

505.3 VEHICLE STORAGE

Any vehicle in violation shall be stored by the authorized towing service and a Crime Inquiry and Inspection Report Form 4569 shall be completed by the officer authorizing the storage of the vehicle.

505.3.1 VEHICLE STORAGE REPORTING

The Crime Inquiry and Inspection Report, Form 4569 shall be submitted to the Records Unit immediately following the storage of the vehicle. It shall be the responsibility of the Records Unit to enter information from the vehicle impound/storage form into the Motor Vehicle Verification System and attempt to notify the owner as specified in the Vehicle Towing and Release Policy.

Towing Company Requirements and Usage

506.1 POLICY STATEMENT

The Nixa Police Department utilizes wreckers to remove vehicles from various locations in the performance of official duties. As such, the department will not provide preferential service to any one provider, and will ensure that the owner of any vehicle towed will have the ability to select the wrecker company of their choice, provided unusual circumstances do not exist as noted under Section 2.2.3 in Article IV of this policy.

506.2 DEFINITIONS

- (a) **Authorized Wrecker or Towing Company** – A company that meets the requirements of Chapter 304 of the Traffic Regulations, Section 304.154 RSMo for the State of Missouri.
- (b) **Authorized storage facility** – A fenced, secure, and lighted storage lot or enclosed, secure building for the storage of motor vehicles.
- (c) **Wrecker Rotations List** – Refers to a specific list of Authorized Wrecker or Towing Companies that is utilized by the Nixa Police Department when, and only when, the owner/operator of a vehicle being towed is not present or is otherwise unable to make a personal selection for a particular wrecker service. The same list will be utilized for “internal tows,” which encompasses any requested tow for city vehicles.
- (d) **Participation Requirements** – The regulations as set forth by the City Council that permits an Authorized Wrecker or Towing Company to operate and respond to calls for service in the City limits of Nixa, Missouri.
- (e) **Adequate Response Time** – Is that length of time generally accepted as adequate for the response to a call for service. For this procedure a standard of 20 minutes will be considered adequate; however, it is also recognized that emergency situations may result in variations of this allotted time.
- (f) **Exception Tow List** – A list of Authorized Wrecker or Towing Companies that will be utilized “in rotation” under the exceptions noted in Section 2.2 in Article IV of this policy.
A book detailing the authorized wrecker companies will be maintained in dispatch clearly showing the sequence of use.

506.3 PURPOSE

To provide officers with the necessary instructions so they may quickly access the use of an Authorized Wrecker and/or Towing Company for the removal of vehicles.

To establish a formal system of records in dispatch, that will document the process of how wreckers companies are specifically selected and to document any variations from the standard policy in accordance with Section 2.2 in Article IV of this policy.

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Towing Company Requirements and Usage

506.4 PROCEDURES

1. **Requirements** – In order for a wrecker or towing company to be recognized and used by the City of Nixa, the company shall first meet the following:
 - (a) Be an Authorized Wrecker or Towing Company as regulated by Section 304.154 RSMo.
 - (b) It is the responsibility of any Wrecker Company wanting to participate in the system to contact the City and initiate the placement of their business into the program as outlined within this policy.
 - (c) Have an official office and authorized storage facility located within a seven (7) mile radius of the intersection of Hwy 160 and Hwy 14 in Nixa, and utilize the storage facility for the storage of vehicles towed on behalf of owners/operators that requested their service, or any tow generated through the “Exception Tow List.”
 - (d) Possess a valid business license or permit issued by the City of Nixa.
 - (e) Maintain all requirements as detailed. Failure to maintain all requirements will be cause for removal as an Authorized Wrecker or Towing Company.
 - (f) Submit to periodic reviews of the specified requirements.

506.5 WRECKER SELECTION PROCESS

1. The Nixa Police Department will first make every attempt to allow the owner/operator of any vehicle to choose from a list of authorized wreckers a selection as to who will remove any vehicle that requires a tow.
2. The City of Nixa does not utilize a rotation system for authorized wreckers, HOWEVER, when one of the following occurs the City does utilize an “Exception Tow List.”
 - (a) Any vehicle that requires towing that is abandoned and no owner/operator can be located
 - (b) On any accident scene when the driver:
 - (a) Is incapacitated and unable to make a conscious selection
 - (b) Gone from the accident scene and the immediate removal is necessary to open the roadway or prevent further hazards
 - (c) Has been provided a list and still makes no preference of a wrecker
 - (d) When a requested wrecker is so delayed (**Adequate Response Time**) to jeopardize the safety of persons present or the imminent removal of vehicles from the roadway.

506.6 OFFICER'S RESPONSIBILITIES

1. The officer **shall** have available to them a list of all Authorized Wrecker or Towing Companies for the City of Nixa.

Towing Company Requirements and Usage

2. The officer **shall** provide the list (verbally or in writing) to the owner/operator and ask them to make a selection.
3. The officer **shall** notify dispatch of the specific wrecker that was requested by the owner/operator, OR if no wrecker is selected in compliance with the policy, the Officer **shall** ask dispatch to utilize the "Exception Tow List" to activate a responding wrecker company.
4. If an owner/operator requested wrecker company is unavailable to respond, the owner/operator **shall** be allowed to pick an alternate company; however, if the second attempt also fails to provide a response and the roadway is blocked or there is any other emergency that necessitates a timely removal of a vehicle, an officer may then utilize the "Exception Tow List." This action should be noted in CAD.
5. When a requested wrecker is so delayed (**Adequate Response Time**) to jeopardize the safety of persons present or the imminent removal of vehicles from the roadway, and officer may immediately utilize the "Exception Tow List" to activate a responding wrecker company.
6. At no time, will a city employee recommend any particular wrecker service to a citizen.

506.7 PRIVATE PROPERTY TOWS

1. When a private citizen initiates the removal of a vehicle from private property, and the citizen or wrecker company requests for the police department to document a tow log, the responding officer **shall** complete the appropriate tow log, but shall take no other action concerning the selection of the wrecker or tow service utilized by the civilian.
2. Verification that a vehicle was present for more than 48 hours before a private tow will be the responsibility of the complainant.

506.8 INTERNAL TOWS

1. When city vehicles require towing and the police department or 911 dispatch is contacted in order to activate a responding Authorized Wrecker or Tow Company, the department will utilize the same rotating "Exception Tow List" described under Section 2.2 in Article IV of this policy to ensure that all Authorized Wrecker Companies are afforded equal opportunities for city vehicle tows.

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 disposition of criminal investigations.

600.2 POLICY

It is the policy of the Nixa 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 if 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 Supervisor.
 - 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, what other resources may be available, and advise the informant or complainant of this information.

600.3.2 CIVILIAN RESPONSIBILITIES

A civilian member assigned to any preliminary investigation, which is a misdemeanor or felony, is responsible for all investigative steps, except making any attempt to locate, contact or interview a

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suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

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

Any custodial interrogation of an individual who is suspected of having committed any violent felony offense listed in § 590.700.2, RSMo shall be recorded (audio or video with audio as available) in its entirety when feasible.

Those listed felonies in § 590.700.2, RSMo are:

- Murder in the first degree
- Murder in the second degree
- Assault in the first degree
- Assault of a law enforcement officer in the first degree
- Domestic assault in the first degree
- Elder abuse in the first degree
- Robbery in the first degree
- Arson in the first degree
- Rape in the first degree
- Forcible rape, sodomy in the first degree
- Forcible sodomy
- Kidnapping
- Kidnapping in the first degree
- Statutory rape in the first degree
- Statutory sodomy in the first degree
- Child abuse
- Child kidnapping

Recording custodial interrogations is not required in any of the following circumstances (§ 590.700.3, RSMo):

- If the suspect requests that the interrogation not be recorded
- If the interrogation occurs outside the state of Missouri

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- If exigent public safety circumstances prevent recording
- To the extent the suspect makes spontaneous statements
- If the recording equipment fails
- If recording equipment is not available at the location where the interrogation takes place

Recordings of interrogations may be conducted with or without the knowledge or consent of the suspect (§ 590.700.3, RSMo).

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 Criminal Investigations 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.

600.5 DISCONTINUATION OF INVESTIGATION

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, 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, and 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.

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- (f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

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 policy).

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 Bureau Commander approval prior to access. The Bureau Commander 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.

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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.

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 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 Bureau 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

Definitions 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 § 566.010, RSMo through § 566.101, RSMo.

601.2 POLICY

It is the policy of the Nixa 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.

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.

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 Criminal Investigations supervisor should weigh the

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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:
 - (a) Initial response to sexual assaults.
 - (b) Legal issues.
 - (c) Victim advocacy.
 - (d) Victim's response to trauma.
- (b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
 - (a) Interviewing sexual assault victims.
 - (b) Medical and legal aspects of sexual assault investigations.
 - (c) Serial crimes investigations.
 - (d) Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (VICAP).
 - (e) Techniques for communicating with victims to minimize trauma.

601.7 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to the Communications Center, 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.

Members shall not ask or require a victim of a sex crime to submit to a truth verification examination or psychological stress evaluator exam as a condition for proceeding with a criminal investigation (§ 595.223, RSMo; 34 USC § 10451).

601.8 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

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.

Sexual Assault Investigations

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 DNA TEST RESULTS

Members investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practicable.

Members investigating sexual assault cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

601.8.2 COLLECTION AND TESTING REQUIREMENTS

Members investigating sexual assaults or handling related evidence are required to do the following with regard to an evidentiary collection kit when a victim has consented to its being tested by a laboratory (§ 595.220, RSMo):

- (a) Pick up an evidentiary collection kit from a medical provider within 14 days of the time the department is notified.
- (b) Submit the evidentiary collection kit to a laboratory within 14 days of taking possession of it.
- (c) Ensure that the department maintains the evidentiary collection for 30 years if the crime has not been prosecuted.

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 Criminal Investigations supervisor.

Classification of a sexual assault case as unfounded requires the Criminal Investigations 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 Criminal Investigations supervisor should ensure cases are reviewed on a periodic basis.

Asset Forfeiture

602.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with specified designated offenses.

602.2 POLICY

The Nixa 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.

It is the policy of the Nixa Police Department that all members, including members assigned to internal or external law enforcement task force operations shall comply with all state and federal laws pertaining to forfeiture.

602.3 DEFINITIONS

The following definitions apply to this policy:

Fiscal agent - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds as a result of any forfeiture proceedings. This includes anytime the Nixa Police Department seizes property for forfeiture or when the Nixa 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 member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

Property subject to forfeiture - All property of every kind, including cash or other negotiable instruments, used or intended for use in the course of, derived from, or realized through criminal activity is subject to civil forfeiture (§ 513.607, RSMo). Criminal activity is the commission, attempted commission, conspiracy to commit, or the solicitation, coercion or intimidation of another person to commit any crime which is chargeable by indictment or information under the Missouri laws (§ 513.605, RSMo).

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.

602.4 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

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602.4.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer (§ 513.607, RSMo):

- (a) Property seized incident to a lawful arrest, search, or inspection when the officer has probable cause to believe the property is subject to forfeiture and will be lost or destroyed if not seized.

A large amount of money alone is insufficient to establish the probable cause required to make a seizure.

602.4.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the current minimum forfeiture thresholds of the Prosecuting Attorney or Attorney General.
- (b) Real and personal property used in the cultivation, manufacture, transport, testing, distribution, sale, and administration of marijuana for medical use based solely on its medical use (Mo. Const. art. XIV, § 1).

602.5 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 applicable seizures 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 possession of the property, the officer must leave the copy in the place where the property was found if it is reasonable to do so.
- (b) Complete and submit a report and original seizure forms within 24 hours of the seizure if practicable.
- (c) 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.
- (d) Forward original seizure forms and related reports to the forfeiture reviewer within two days of seizure.
- (e) Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.
- (f) 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 are unknown, real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

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602.6 MAINTAINING SEIZED PROPERTY

The Property and Evidence Unit 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 if the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or returned to the claimant or 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.

602.7 FORFEITURE REVIEWER

The Chief of Police will appoint an officer as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a department-approved course on asset forfeiture.

The responsibilities of the forfeiture reviewer include the following:

- (a) Remain familiar with forfeiture laws, particularly the Criminal Activity Forfeiture Act (§ 513.600, RSMo et seq.) and the forfeiture policies of the Prosecuting Attorney or attorney general.
- (b) Serve as the liaison between the Department and the Prosecuting Attorney or attorney general.
- (c) Make reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.
- (d) Review each seizure related case and determine whether state or federal seizure attempts should be made. Contact federal authorities when pursuing federal seizure as appropriate.
- (e) Ensure responsibilities, including designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (f) Ensure that seizure forms are available and appropriate for department use. These forms should include notice forms, a receipt form and a check-list to provide relevant guidance to officers for the process. The forms should be available in languages appropriate for the region, and should contain places for:
 - 1. Names and contact information for all relevant persons and peace 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).

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3. A location for the signature of the person from whom cash or property is being seized.
 4. A tear-off portion or copy to 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) Ensure 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 General Order. The training should cover this policy and address any relevant statutory changes and court decisions.
- (h) Review each asset forfeiture case to ensure the following:
1. Written documentation of the seizure and items seized is present in the case file.
 2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
 3. Notice of seizure has been given in a timely manner to interest holders of seized property.
 4. Property is promptly released to those entitled to its return.
- (i) Forward changes to forfeiture status to any supervisor who initiates a forfeiture case.
- (j) Deposit any cash received with the fiscal agent.
- (k) Ensure the current minimum forfeiture thresholds are communicated appropriately to officers.
- (l) Periodically review and update this policy and any related policies to reflect current federal and state statutes and case law.
- (m) Prepare a written plan for the Chief of Police to address any extended absence of the forfeiture reviewer to ensure that contact information for other peace officers and attorneys who may assist in these matters is available.
- (n) Ensure the Department disposes of property as provided by law following any forfeiture.
- (o) Ensure that any forfeited property used in an undercover capacity or that is sold or added to the department's regular inventory is done according to law.
- (p) Ensure that all forfeited property is used or disposed of in a manner consistent with the use and disposition of similar property by this department.
- (q) Upon completion of any forfeiture process, ensure that no property is retained by the Nixa Police Department unless the Chief of Police authorizes in writing the retention of the property for official use.

Asset Forfeiture

- (r) Ensure that forfeiture proceeds are maintained in a separate fund or account subject to appropriate accounting control with regular reviews or audits of all deposits and expenditures.
- (s) Ensure that forfeiture reporting and expenditures are completed in the manner prescribed by the law and City financial directives.

602.8 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.

602.9 TRANSFERRING PROPERTY TO A FEDERAL AGENCY

No employee may transfer to a federal agency any property seized until the prosecuting attorney and a circuit judge of the county in which the property was seized first review the seizure and approve the transfer (§ 513.647, RSMo).

602.10 REPORTING REQUIREMENTS

Reports related to forfeitures under federal law shall be prepared and filed with the State Auditor's Office annually (§ 513.653, RSMo).

Eyewitness Identification

603.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

603.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

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 - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

603.2 POLICY

The Nixa 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.

603.3 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 shall 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.

603.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Support 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.

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- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the 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.

603.5 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.

603.5.1 PHOTOGRAPHIC LINEUP 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.

Eyewitness Identification

Individuals in the line 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 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 to a witness 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.

603.5.2 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination show-up 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 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 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 show-up 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 show-up, rather than bring the subject of the show-up to the witness.
- (e) The person who is the subject of the show-up should not be shown to the same witness more than once.

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- (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.
- (g) The person who is the subject of the show-up 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 the show-up 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.

603.6 DOCUMENTATION

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic 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 Material Disclosure

604.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

604.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** - Information known or possessed by the Nixa Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

604.2 POLICY

The Nixa 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 Nixa 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.

604.3 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., confidential informant or protected personnel files), 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 whether evidence or facts are material, 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.

Brady Material Disclosure

604.4 DISCLOSURE OF PERSONNEL INFORMATION

If a member of this department is a material witness in a criminal case, a person or persons designated by the Chief of Police shall examine the personnel file and/or internal affairs file of the officer to determine whether they contain *Brady* 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 shall be notified of the potential presence of *Brady* information in the member's personnel file.
- (b) The prosecuting attorney or department counsel 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 supervisor should work with 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.
- (d) If the court determines that there is relevant *Brady* information contained in the files, only that material ordered released will be copied and released to the parties filing the motion.
 - 1. Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such materials 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.

The person or persons designated by the Chief of Police should periodically examine the personnel files and/or internal affairs files of all officers who may be material witnesses in criminal cases to determine whether they contain *Brady* information. The obligation to provide *Brady* information is ongoing. If any new *Brady* information is identified, the prosecuting attorney should be notified.

604.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

604.6 TRAINING

Department personnel should receive periodic training on the requirements of this policy.

Warrant Service

605.1 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 and is not intended to address high-risk warrant service.

605.2 POLICY

It is the policy of the Nixa 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.

605.3 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.

605.4 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).

This shall not apply to the application of a blood draw warrant.

605.5 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).

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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.

605.6 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 Material Disclosure Policy).

605.7 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.

Warrant Service

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

605.8 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.

605.9 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 Nixa Police Department are utilized appropriately. Any concerns regarding the requested use of Nixa 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, a tactical team supervisor will fill this role or assign a designee.

If officers intend to serve a warrant outside Nixa Police Department jurisdiction, the operations director should provide reasonable advance notice to the applicable agency, request 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 Nixa Police Department when assisting outside agencies or serving a warrant outside Nixa Police Department jurisdiction.

605.10 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 News Media Relations Policy.

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Warrant Service

605.11 TRAINING

The Training Officer should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

Investigation of Internet Crimes against Children

606.1 PURPOSE

The purpose of this policy is to establish responsibilities and guidelines regarding this agency's response to reports of the exploitation of children, and the possession and distribution of child pornography using computers.

606.2 POLICY STATEMENTS

It shall be the policy of this agency to adhere to strict guidelines with respect to investigations of computer related child exploitation. The standards adopted pursuant to this policy mirror those prescribed by the Office of Juvenile Justice and Delinquency Prevention's (OJJDP) Internet Crimes Against Children (ICAC) Task Forces, and ensure compliance with those protocols accepted by the Federal Bureau of Investigations (FBI), U.S. Customs, and the U.S. Postal Inspectors' Office.

606.3 DEFINITIONS

1. **Proactive investigation** – an investigation designed to identify, investigate and prosecute offenders, which may or may not involve a specific target, and requires online interaction and a significant degree of pre-operative planning.
- (b) **Reactive investigation** – involves the investigation and prosecution of a known target(s), and where the need to proceed with the investigation is urgent. It also includes a response within the community or area of jurisdiction to a specific complaint brought to your attention by another law enforcement agency, a reputable source of information such as the Cyber-Tipline at the National Center for Missing & Exploited Children or a large Internet Service Provider such as America On-Line. Finally, we must also respond to complaints made by citizens, schools, libraries or businesses who believe illegal material has been transmitted or potentially dangerous situations, such as child lure attempts that have been communicated through the internet.
- (c) The term **Internet Crimes against Children (ICAC)** includes both proactive and reactive investigative activities as outlined above.
- (d) An investigation is deemed to be **urgent** when there is a reasonable belief that the target presents an imminent threat to the well being of potential victims.

606.4 PROCEDURES

Case Management

606.4.1 WORKSPACE AND EQUIPMENT

1. Internet Crimes Against Children (ICAC) computers and software shall be reserved for the exclusive use by agency designated ICAC personnel. When possible, undercover computers, software, and online accounts shall be purchased covertly. No personally owned equipment shall be used in ICAC investigations and all software shall be properly acquired and licensed.

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2. Absent exigent or unforeseen circumstances, all ICAC online investigations shall be conducted in government workspace as designated by the agency.

606.4.2 CASE PREDICTION AND PRIORITIZATION

1. Cases may be initiated by referrals from the CyberTipline, Internet service providers, or other law enforcement agencies, and by information gathered through subject interviews, documented public sources, direct observations of suspicious behavior, public complaints, or by any other source acceptable under agency policies.
2. ICAC investigators are responsible for determining investigative priorities and selecting cases for investigations. Assuming the information is deemed credible, that determination should begin with an assessment of victim risk and then consider other factors such as jurisdiction and known offender behavioral characteristics. The following prioritizations scale was established by the ICAC Task Forces and will apply to the assignment of cases within the agency:
 - (a) A child is at immediate risk of victimizations
 - (b) A child is vulnerable to victimization by a known offender;
 - (c) Known suspect is aggressively soliciting a child(ren);
 - (d) Traders of images that appear to be home photography with domiciled children;
 - (e) Aggressive, high-volume child pornography traders who either are commercial distributors, repeat offenders, or specialized in sadistic images;
 - (f) Traders and solicitors involved high-volume trafficking or belong to an organized child pornography ring that operates as a criminal conspiracy;
 - (g) Traders in previously known images;
 - (h) Traders in digitally altered images.

606.4.3 RECORDKEEPING

1. ICAC investigative units shall be subject to the existing agency incident reporting procedures and case supervision systems. Investigators will obtain a case number at the outset of each case and fully document their activities through the completion of initial and supplemental reports. Reports will be completed and reviewed by a supervisor in a timely fashion. As with any other type of investigation, case management activities will occur in accordance with the existing departmental policies and procedures. Closeout reports will indicate the manner in which a case has been resolved with the copies forwarded to the prosecutor's office and/or the law enforcement agency continuing the investigation where applicable.

606.4.4 UNDERCOVER INVESTIGATIONS

1. Carefully managed undercover operations conducted by well-trained officers are among the most effective techniques available to law enforcement for addressing ICAC offenses. Undercover operations, when executed and documented properly, collect virtually unassailable evidence regarding a suspect's predilection to sexually exploit children. However, these investigations can trigger serious legal and ethical

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considerations because of concern that inappropriate government conduct may induce an otherwise innocent citizen into committing a crime.

2. All undercover investigations shall be conducted in a manner consistent with the principles of due process. Investigations shall avoid unlawful inducement of any individual not otherwise disposed to commit the offenses being investigated, and will not engage in conduct that is shocking or offensive to notions of fundamental fairness as described in applicable caselaw. See, for example, 503 U.S. 540 (1992); 486 F.2d (2nd Cir.1973).
3. Investigators should always be aware that their actions, in addition to those of the offender, may be at issue in deciding if charges are brought, whether referrals to other law enforcement agencies are acted upon, and in determining the guilt or innocence of the offender at trial. Therefore, it is critical that we work closely with local or federal prosecutors when investigating ICAC offenses.
4. Accordingly the following **minimum standards** apply to all undercover investigations:
 - (a) Only sworn, on-duty investigative personnel shall conduct ICAC investigations in an undercover capacity. Private citizens shall not be asked to seek out investigative targets nor shall they be authorized to act as police agents in an online undercover capacity.
 - (b) Employees shall not, under any circumstances, upload, transmit, or forward pornographic or sexually explicit images.
 - (c) Other than photographs of law enforcement officers who have provided their informed written consent, no human images shall be uploaded, transmitted, or forwarded by ICAC Task Force personnel.
 - (d) Other than authorized above, images considered for uploading shall be approved by the investigations supervisor. Sexually suggestive titles on uploaded images shall not be used.
 - (e) During online dialogue, undercover officers should allow the investigative target to set the tone, pace, and subject matter of the online conversation. Image uploading shall be initiated by the target.

606.4.5 EVIDENCE PROCEDURES

1. All undercover online activity shall be documented. Any deviations from the policy due to unusual circumstances shall be reported to the investigative supervisor.
 - (b) The storage, security, and destruction of investigative information shall be consistent with existing evidentiary policy and procedures. Access to investigative files and any evidence collected should be restricted to authorized personnel with a legitimate need to know.
 - (c) Supervisors must ensure that qualified personnel who have received specific training in this field conduct forensic examinations of computers and related evidence.

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606.5 SUPERVISION

1. Existing agency supervisory systems and procedures shall apply, with specific emphasis on observation, documentation, and periodic evaluation of cases assigned to undercover investigators. Given the nature of these investigations, consistent and on-going supervision of these cases and investigative personnel assigned to the unit is essential.
2. At a minimum, management or supervisory practices shall include:
 - (a) Review of ICAC Task Force investigative reports
 - (b) Periodic review of undercover sessions records
 - (c) Assessment of equipment and training needs
 - (d) Development of work schedules including approval of specific overtime expenditures
 - (e) Direct participation in formulating undercover investigative plans and establishing investigative priorities
 - (f) Review and approval of any fiscal matters

606.6 SELECTION OF ICAC INVESTIGATIVE PERSONNEL

1. While existing agency personnel procedures apply, supervisors should evaluate prospective ICAC investigative candidates for work history that indicates prior investigative experience, court testimony skill, ability to handle sensitivity information prudently and a genuine interest in the protection of children.
2. Once assigned, supervisors should ensure that ICAC investigators are computer literate, knowledgeable regarding child exploitation issues, and are familiar with Federal and State statute and caselaw pertaining to ICAC investigations.

606.7 PREVENTION AND EDUCATION ACTIVITIES

1. Prevention and education activities are a critical component of the Nixa Police Department ICAC Program. Consequently supervisors and investigators are expected to develop and lead prevention programs to foster awareness and provide practical, relevant guidance to children, parents, educators, librarians, and other individuals concerned about child safety issues.
2. Presentations to school staff, parents, and community groups are excellent ways to promote awareness. However, these presentations shall not depict identifiable victims nor shall they use pornographic or sexually explicit images. Presenters shall not discuss investigative techniques.
3. One valuable source of educational information is the Exploited Child Unit of the National Center for Missing and Exploited Children (NCMEC) (800). They can be

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reached at (800)-843-5678 or through e-mail at exploited@ncmec.org for information on developing and delivering awareness and safety education programs.

606.8 MEDIA RELEASES

1. Copies of media releases related to this initiative should be forwarded through the ICAC Supervisor. Copies of radio or video segments and press clippings will be used to promote and sustain public support for ICAC activities should also be review prior to dissemination.
2. Media releases relating to prosecutions, crime alerts or other matters concerning ICAC investigations should be coordinated (if applicable) with other involved Federal State and local investigative agencies consistent with sound information management and media relations practices.

Case Management

607.1 MISSION

It is the mission of the Nixa Police Department to manage criminal and non-criminal cases in the most efficient manner possible.

607.2 PURPOSE

To ensure that cases screened for assignment meet a reasonable expectation of prosecution. This guideline also requires tracking of assignments disposition or status reporting and proper case load between investigators.

607.3 PROCEDURE

This guideline for purposes of clarity will break procedures down into the following parts:

1. Case Management
2. Monthly Reporting
3. Investigative Accountability
4. Case Classifications
5. Case Screening for Assignment
6. Follow Up Investigative Techniques
7. Criminal Investigations Supplemental Report
8. Disposition Definitions
9. Case Inactivation
10. Purging of Criminal Investigations Files

607.4 CASE MANAGEMENT

All follow up investigations will be tracked in our report management system maintained by the police department. Information recorded in this system for each case includes:

1. Investigator assigned
2. Date assigned
3. Case number
4. Report due date
5. Victims name and address
6. Type of offense
7. Final report
8. Supervisory approval of all reports
9. Disposition of cases

Case Management

- (a) Suspended
 - (b) Active
 - (c) Unfounded
 - (d) Cleared: exceptional; judicial
- 10. Number of suspects arrested
 - 11. Number of suspects charged
 - 12. Monthly caseload by each investigator
 - 13. Total new cases each investigator receives each month.

607.5 MONTHLY REPORTING

The Criminal Investigations Sergeant or designee shall cause the preparation of a monthly report developed from the above data. The report will also include year-to-date information.

607.6 INVESTIGATIVE ACCOUNTABILITY

- 1. All preliminary investigations will be conducted by the Patrol Division unless they are initiated by the Criminal Investigations Division or outlined in this guideline.
- 2. Patrol Officers may conduct a follow-up investigation into offenses with the approval of their immediate supervisor.
- 3. The Criminal Investigations Division shall be responsible for the investigation of felony crimes and for selected misdemeanors and infractions.
 - (a) The Criminal Investigations Division shall receive all juvenile felony reports and may conduct a follow-up investigation.
 - (b) Crimes with juvenile suspects may be referred to the Christian County Juvenile Office for follow up.
 - (c) The Criminal Investigations Division shall conduct the preliminary investigation as well as the follow-up investigation of all officer-involved shootings unless assigned to an outside agency.
- 4. Each case shall be assigned to a single case investigator. The assigned investigator will be the principal investigator and case coordinator and shall continue to be responsible for the case investigation until the case is reassigned by the Criminal Investigations Sergeant or designee and entry made into the report management system.

607.7 CASE CLASSIFICATIONS

The following classification will be used by the Criminal Investigations Division Sergeant or designee when reviewing cases, which are received by the Division:

- 1. Assigned
 - (a) All criminal cases with one or more solvability factors and workable leads.

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- (b) All major cases such as homicide, robbery, and sexual battery cases regardless of solvability factors and workable leads.
 - (c) All high profile and/or sensitive cases where investigative follow-up would be in the best interest of the department.
 - (d) Cases where follow-up statements, affidavits, or accumulation of details are needed.
- 2. Unassigned
 - (a) Criminal cases that lack solvability factors, or do not indicate the potential for successful arrest and conviction. These reports are reviewed by the Division regularly for up to six months in the event additional information might cause assignment. These reports are frequently used in communicating with victims or in preliminary hearings. Unassigned cases will not be calculated into clearance rates.

607.8 CASE SCREENING FOR ASSIGNMENT

The purpose of case screening is to establish a system of solvability factors for assigning follow up investigations to a detective. Cases shall be evaluated for follow up investigation and expected outcome based on the following solvability factors:

1. Was there a witness to the crime?
2. Can a suspect be named?
3. Can a suspect be located?
4. Can a suspect be described?
5. Can a suspect be identified?
6. Can a vehicle, if involved be identified?
7. If there a significant method of operation present?
8. Is there significant physical evidence present?
9. Is there a significant piece of information that may lead to effect an arrest?
10. Is this crime of significant public interest to warrant a further investigation?
11. Is there property that can be traced?
12. Was the preliminary investigation thorough?

607.9 FOLLOW-UP INVESTIGATIVE TECHNIQUES

1. The victim of the crime should be contacted within seven working days of assignment and advised that a follow-up is being conducted and, if appropriate, their rights under the Missouri Crime Victim's Bill of Rights. Additional information should be obtained if necessary to the investigation.
2. Witnesses should be interviewed if further clarification is needed to the case.

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3. The suspect should be located and interviewed.
4. If the suspect is not in custody, every effort should be made to locate and arrest the person on probable cause.
5. Physical evidence obtained at the scene should be reviewed. If tests are needed to link the suspect to the crime or to determine if the evidence is contraband the evidence should be sent to the appropriate Crime Lab for analysis.
6. A secondary canvas of the area around the crime scene could be conducted if needed in order to obtain information from other witnesses.
7. A review of online investigative resources should be conducted and departmental records should also be reviewed.
8. Investigating officers should seek additional information or help in identifying a suspect from members of the Patrol Division when applicable.
9. Requests through the media for citizen assistance in identifying or locating suspects may be in order. The use of information sharing or intelligence groups should also be considered.
10. A flag or PC Item should be entered on the suspect, if not already arrested or in custody and sufficient identifiers are available. The information should be added to the Daily Information Database. These cases should be reviewed periodically for statute of limitations.
11. The use of a lineup using photographs may be necessary to form a positive identification of the suspect.
12. Investigators should attempt to determine a suspect's involvement in other crimes.
13. Technical aids for the detection of deception such as Computer Voice Stress Analysis (CVSA) may be utilized. When such aids are used, they shall be administered only by personnel certified in their use.
14. If the investigation does not link a suspect to the offense or probable cause does not exist then an entry is necessary in the supplemental report documenting the findings.
15. If the investigation is cleared then a supplemental report documenting this should be completed.
16. The victim of the crime should be contacted a second time informing them of the results of the investigation. This contact should also be consistent with the Missouri Crime Victim's Bill of Rights and noted in the supplemental report.
17. All reports related to the incident, including probable cause statements and lab reports associated with the case should be reviewed and routed to the Prosecuting Attorney's Office.

607.10 CRIMINAL INVESTIGATIONS SUPPLEMENTAL REPORT

1. A supplemental report, shall be used for any case when follow up is conducted. The supplemental report shall be used to note the date, time, investigative technique(s)

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used, any notes the investigator wants to add, and type of follow up completed or pending.

2. The supplemental report is available in the report management system and shall be attached to the case being investigated in the electronic report management system.
3. The supplemental report will become a part of the case file.

607.11 DISPOSITION DEFINITIONS

1. All cases of criminal activity shall be noted and marked in the report management system by the follow up investigator with one of the below listed disposition categories for administrative or investigators review. If the investigation is cleared then a supplemental report documenting this should be forwarded to the Criminal Investigations Sergeant or designee for approval.
 - (a) Active – A case is considered Active when more investigation is required to accumulate additional evidence, to identify the perpetrator or to effect an arrest.
 - (b) Suspended – A case may be suspended by the deciding official for the below listed reason(s). Under such circumstances, the case will not be considered cleared. Although active work on the case is discontinued, additional information such as new evidence, arrest of a suspect on a subsequent case, etc., may be forthcoming and should be pursued at that time.
 1. PC issued for suspect
 2. Pending further leads
 3. Waiting on records
 4. Waiting on test results
 - (c) Unfounded – The deciding official may classify a report as unfounded when physical evidence does not support or corroborate the victim's statement and eyewitness' testimony or physical examination results indicate that no criminal violation exists. Unfounded cases will not be considered cleared and will not be calculated into clearance rates.
 - (d) Cleared
 1. Exceptional - A number of exceptional conditions, not resulting in an arrest or charge, can also be considered Cleared.
 - (a) Victim Refused to Cooperate
 - (b) Victim Declined to Prosecute
 - (c) Referred to Other Agency
 - (d) Referred to Christian County Bad Check Division
 - (e) Extradition Denied
 - (f) Death of Offender
 2. Judicial

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- (a) Where an offender has been identified, and there is corroborating evidence, a probable cause statement will be completed and forwarded to the prosecutor.
- (b) Each case must be solved on a separate supplemental report.
- (c) Several associated crimes may be Cleared by the arrest or charge of one person.
- (d) When the offender is under 18 years of age and charges are forwarded to the juvenile court or before other juvenile authorities.
- (e) When a person is arrested or charged with the commission of the offense.

Note: If a case is cleared exceptionally based on victim's decision not to prosecute a decline to prosecute form should be signed by the victim and attached to the report. If the victim refuses to cooperate, a copy of the notification letter should be attached to the report.

607.12 CASE INACTIVATION

Investigators will be given one month to bring an investigation to closure. The investigator may contact the Criminal Investigations Sergeant or designee and request an extension for cause.

Authorized extension after one-month assignment and suspension may be based on the following criteria:

1. Lack of further leads or solvability factors.
2. Unavailability of investigative resources.
3. Prioritization of cases requires investigative effort to be applied to more serious offenses.

Homicide cases and suspected homicide cases shall remain active until cleared or unfounded.

607.13 PURGING OF CRIMINAL INVESTIGATIONS FILES

1. All Criminal cases including follow up investigation cases are stored electronically in the report management system. The entire database is available to Criminal Investigations for periodic review as needed. If any original documents are obtained, they shall immediately be added to the permanent electronic file.
2. Notice of Decline to Prosecute memorandums, or lab reports are used to make data entry for investigative records and notification will be sent through the report management system for their information and review.
3. Criminal Investigations also has the ability to view all reports sent to Criminal Investigations for review that were determined not to have sufficient leads to indicate the potential for successful arrest and conviction that were unassigned. These reports are reviewed by Criminal Investigations regularly for up to six months in the event additional information might cause assignment. These reports are frequently used in communicating with victims or in preliminary hearings.

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4. In the event the original case investigator becomes unavailable, all cleared, suspended, or unfounded cases older than six months will not be reassigned to a different investigator unless additional information is developed or as directed by the Chief of Police.

Unmanned Aerial System (UAS) Operations

608.1 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.

608.1.1 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.

608.2 POLICY

Unmanned aerial systems 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.

608.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to 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.

608.4 PROGRAM COORDINATOR

[See attachment: UAS Program Coordinator Manual.pdf](#)

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:

- (a) Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
- (b) 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.
- (c) Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents.

Unmanned Aerial System (UAS) Operations

- (d) Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- (e) Implementing a system for public notification of UAS deployment.
- (f) 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.
- (g) Developing a protocol for fully documenting all missions.
- (h) 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.
- (i) 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.
- (j) Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- (k) Facilitating law enforcement access to images and data captured by the UAS.
- (l) Recommending program enhancements, particularly regarding safety and information security.
- (m) Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.

608.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted during daylight hours and a UAS should not be flown over populated areas without FAA approval.

608.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.
- To harass, intimidate or discriminate against any individual or group.

Unmanned Aerial System (UAS) Operations

- To conduct personal business of any type.

The UAS shall not be weaponized.

608.7 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule.

Chapter 7 - Equipment

Department-Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duties. Certain procedures are required depending on the loss and ownership of the item.

700.2 DOCUMENTATION OF ISSUED PROPERTY

All property issued shall be documented in the appropriate property sheet or equipment log. Upon an employee's separation from the Department, all issued equipment shall be returned and documentation of the return signed by a supervisor.

700.2.1 CARE OF DEPARTMENT PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's 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) Employees shall promptly report through the chain of command, any loss, damage to or unserviceable condition of any department-issued property or equipment assigned for their use.
 - 1. A supervisor receiving such a report shall conduct an appropriate investigation and direct a memo to the appropriate Bureau Commander that shall include the result of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss, damage or unserviceable condition.
 - 2. A review by the staff to determine whether misconduct or negligence was involved should be completed.
- (b) The use of damaged or unserviceable department property should be discontinued as soon as practicable and, if appropriate and approved by the staff, replaced with comparable department property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent 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.
- (d) Department property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.

Department-Owned and Personal Property

- (e) In the event that any department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 USE OF PERSONAL PROPERTY

The carrying of personal equipment on-duty or its use in the performance of duties requires prior written approval by the Chief of Police or appropriate Bureau Commander. The employee should submit for approval the description of personal property that the employee has requested to carry, the reason for its use, the period of its use and the terms of its use. Personal property of the type routinely carried by persons not performing law enforcement duties, and that is not a weapon, is excluded from this requirement.

700.3.1 DEFINITIONS

Definitions related to this policy include:

Personal property - Items or equipment owned by, provided by or purchased totally at the expense of the employee. This definition includes optional equipment items identified in the Police Uniform Regulations Policy.

700.3.2 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor receiving such a report shall make an appropriate investigation and direct a memo to the appropriate Bureau Commander that shall include the result of his/her investigation and whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

Upon review by the 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 finance department.

The Department will not replace or repair costly items (e.g., jewelry, exotic equipment) that are not reasonably required as a part of work.

700.3.3 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement function shall report it as provided below.

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- (a) A verbal report shall be made to the employee's immediate supervisor as reasonably soon as circumstances permit.
- (b) A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report was made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to personal property or property belonging to the City of Nixa, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as reasonably soon as circumstances permit. The employee shall submit a written report before going off-duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Bureau Commander.

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 or funded 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 Nixa Police Department allows members to utilize department-issued or funded 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 shall have no 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 in their location should the device be equipped with location detection capabilities.

701.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD for the member's use. Department-issued or funded PCDs may be used for personal business either on-or off-duty with authorization 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. Associated telephone numbers of department owned or funded PCD may be released to an individual upon approval from the Chief of Police. The PCD shall be

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subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

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) Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.
- (e) The device shall not be utilized to record or disclose any 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 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 access numbers/pass code of the device when compelled.

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 if the member has prior express authorization from his/her supervisor, the member may engage 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.

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- (b) All PCDs in the workplace shall be set to silent or vibrate mode when dealing with members of the public.
- (c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications. 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 the radio 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) Officers are prohibited from taking pictures, making 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.

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.
 - 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 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 vehicles should restrict the use of these devices to brief conversations or matters of an urgent nature. Members should utilize hands free options when available or where practicable, stop the vehicle at an appropriate location to use the PCD.

Vehicle Maintenance

702.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining department vehicles so that they are properly equipped, maintained, refueled and present a clean appearance.

702.2 DEFECTIVE VEHICLES

When department vehicles become inoperative or in need of a repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who becomes aware of the defective condition. Documentation, describing the correction needed, shall be promptly forwarded to vehicle maintenance for repair.

The employee's supervisor should be notified when an assigned vehicle becomes inoperative or needs of repair.

702.2.1 SUSPECTED DAMAGE OR POOR PERFORMANCE

Vehicles that may have suffered damage that effects its performance or whose control or safety features has been diminished shall be immediately removed from service for inspection and repair.

702.2.2 SEVERE USE INSPECTION

Vehicles operated under severe use conditions, which include operations for which the vehicle is not designed or that exceeds the manufacturer's use parameters, should be subjected to a safety inspection as soon as practicable. Severe conditions may include rough roadway or off-road operation, hard or extended braking, pursuits or prolonged high-speed operation.

702.2.3 REMOVAL OF WEAPONS

All firearms, weapons and kinetic impact weapons shall be removed from a vehicle and properly secured prior to the vehicle being released for maintenance, service or repair.

702.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

702.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one half tank of fuel. Whenever practicable, vehicles should be fully fueled when placed into service and refueled before the level falls below one-quarter tank. Vehicles shall only be refueled at authorized locations.

702.5 WASHING OF VEHICLES

All units shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to enhance their appearance.

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Employees using a vehicle shall remove any trash or debris at the end of the shift. Confidential documents should be placed in a designated receptacle provided for the shredding of this material.

702.6 CIVILIAN EMPLOYEE USE

Civilian employees using marked vehicles shall ensure all weapons are removed from the vehicle before going into service. Civilian employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

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 Nixa to provide assigned take-home vehicles.

703.2 POLICY

The Nixa 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 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 Supervisor. A notation will be made on the vehicle assignment board.

This subsection does not apply to those who are assigned to transport vehicles to and from the maintenance yard or car wash.

703.3.2 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.

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.

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.

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.

703.3.3 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

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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.

703.3.4 MOBILE DATA TERMINAL

Members assigned to vehicles equipped with a Mobile Data Terminal (MDT) shall log onto the MDT with the required information when going on-duty. Use of the MDT is governed by the Mobile Data Terminal Use Policy.

703.3.5 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 personnel other than supervisors will require Bureau Commander approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

703.3.6 KEYS

Members approved to operate marked patrol vehicles may 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.

703.3.7 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.

703.3.8 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

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so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

703.3.9 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.

703.3.10 CIVILIAN MEMBER USE

Civilian members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Civilian members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

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 Nixa City limits.
- (d) Off-street parking will be available at the member's residence.
- (e) Vehicles 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

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employment or appointment status. Residence in the City of Nixa is a prime consideration for assignment of a take-home vehicle. Members who reside outside the City of Nixa may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

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 Bureau 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 Bureau 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 Bureau Commanders.
 - 4. When the vehicle is being used by the Chief of Police, Bureau 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.

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- (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 Nixa 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, appropriately attired and 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.
- (e) All weapons shall be removed from any vehicle left for maintenance.

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- (f) 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 bureaus and their use is restricted to the respective bureau and the assigned member, unless otherwise approved by a supervisor.

703.6 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 Accident Response and Reporting 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, documented in memorandum format and forwarded to officer's direct supervisor. An administrative investigation may be initiated to determine if there has been any vehicle abuse or misuse.

703.7 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempt from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating department vehicles on a toll road shall adhere to the following:

- (a) Members operating department vehicles for any reason other than in response to an emergency or duty necessitating the use of a toll road shall pay the appropriate toll charge or utilize the appropriate toll way transponder (7 CSR 10-21.010). Members may submit for reimbursement from the City for any toll fees incurred in the course of official business.
- (b) Members passing through a toll plaza or booth during a response to an emergency or duty necessitating the toll road's use shall notify the appropriate Bureau Commander in writing within five working days explaining the circumstances.

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 policy.

704.2 POLICY

It is the policy of the Nixa 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 the public trust.

704.5 ROUTINE CASH HANDLING

Those who handle cash as part of their property or Special Investigations Section supervisor duties shall discharge those duties in accordance with the Property and Evidence policy.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

704.6 OTHER CASH HANDLING

Members who, within the course of their duties, are in possession of cash that is not their property or 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 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.

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 Nixa Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

705.3 OFFICERS

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 recommend new or improved PPE or additional needs for PPE (see the City of Nixa Employee Handbook for additional guidance).

705.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection should meet or exceed industry standards for use at firing ranges (29 CFR 1910.95).

705.5 EYE PROTECTION

Approved eye 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

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that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

The Rangemaster should ensure eye protection meets or exceeds consensus standards set by the American National Standards Institute (29 CFR 1910.133).

705.6 RESPIRATORY PROTECTION

The Support Bureau Commander 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):

- (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) PPE inventory control.
- (d) PPE issuance and replacement.
- (e) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.
- (f) Regularly reviewing the PPE plan.
- (g) 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.

705.6.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., investigator, NETT member).

Respiratory PPE may be worn when authorized by supervisor who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Supervisors 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 should 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):

- (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.

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705.6.2 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).

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.

705.7 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 should 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).

Members issued respiratory PPE should attend annual training on the proper use of respiratory protection devices (29 CFR 1910.134).

Chapter 8 - Support Services

Crime Analysis

800.1 PURPOSE AND SCOPE

Crime analysis should provide current, useful information to aid operational personnel in meeting its tactical crime control and prevention objectives. Crime analysis is intended to help identify and analyze the methods of operation of individual criminals, providing crime pattern recognition and analysis of data from field interrogations and arrests. Crime analysis can be useful to the department's long-range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to the following:

- Crime reports
- Field Interview records
- Parole and probation records
- Computer Aided Dispatch (CAD) data
- Department of Public Safety

800.3 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

800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to those units. Information relevant to the development of the department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

Property and Evidence

801.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, security and disposition of evidence and other property. This policy also provides for the protection of the chain of custody and those persons authorized to remove and/or destroy property.

[See attachment: Property and Evidence Packaging Manual UPDATED March 2021.pdf](#)

801.1.1 PROPERTY AND EVIDENCE UNIT SECURITY

The Property and Evidence Unit shall maintain secure storage and control of all property necessitating custody by the Department. The evidence clerk reports to the Police Services supervisor and is responsible for the security of the Property and Evidence Unit. Property and Evidence Unit keys are maintained only by the evidence clerk and the Police Services supervisor. An additional key is in a sealed and initialed envelope maintained in the Chief of Police's office. The evidence clerk and the Police Services supervisor shall not loan Property and Evidence Unit keys to anyone and shall maintain keys in a secure manner.

Any individual entering the Property and Evidence Unit other than the evidence clerk or the Police Services supervisor must be accompanied by the evidence clerk or the Police Services supervisor and must sign in and out on the logbook, giving the date and time of entry and exit, and the purpose, including a specific case or property number. The entry shall be initialed by the accompanying individual.

801.2 DEFINITIONS

Definitions related to this policy include:

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case.

Found property - Includes property found by an employee or citizen where the owner cannot be readily identified or contacted and has no apparent evidentiary value.

Safekeeping - Includes the following types of property:

- Property obtained by the Department for safekeeping, such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law

801.3 PROPERTY HANDLING

Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly packaged, tagged and placed in the designated property locker, evidence chute or storage room. Care shall be taken to maintain the chain of custody for all evidence.

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Where ownership can be established as to found property that has no apparent evidentiary value, excluding contraband, such property may be released to the owner without the need for booking. The property documentation must be completed to document the release of property not booked.

801.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty. Employees booking property shall observe the following guidelines:

- (a) Complete the property computerized entry describing each item separately, listing all serial numbers, owner's name, finder's name and other identifying information or markings.
- (b) The employee shall mark each item of evidence with initials and date.
- (c) Items too small to mark, or that will be damaged, degraded or devalued by marking, should be individually packaged, labeled and the package marked with initials and date.
- (d) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.
- (e) Place the case number in the appropriate field of the evidence/property tag.
- (f) When the property is too large to be placed in a temporary property locker, the item may be temporarily stored in any department supply room or other location that can be secured from unauthorized entry. The location shall be secured to prevent entry and a completed computerized entry shall be made indicating the location of the property.

801.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate property record. Drug and narcotics paraphernalia shall also be booked separately.

The employee seizing the narcotics and dangerous drugs shall place them in the designated property locker, evidence chute or storage room accompanied by an authorized lab analysis request.

801.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify an immediate supervisor or the Shift Supervisor. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The evidence clerk is responsible for transporting to the fire department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

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801.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) Any evidence collected which may contain DNA, should be properly labeled as such.
- (b) Property stained with bodily fluids such as blood or semen stains shall be air-dried prior to booking.
- (c) License plates found not to be stolen or connected with a known crime should be released directly to the evidence clerk or placed in the designated container for return to the Missouri Department of Revenue. No formal property booking process is required.
- (d) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the evidence clerk or placed in a storageroom until a evidence clerk can log the property.
- (e) All cash shall be counted in the presence of another officer and the envelope initialed by both officers. A supervisor shall be contacted for cash in excess of \$1,000. The supervisor shall also witness the count and will initial and date the property documentation and specify any additional security procedures to be used.
- (f) All evidence collected by personnel processing a crime scene requiring specific storage requirements pursuant to laboratory procedures should clearly indicate storage requirements on the electronic property label.
- (g) Items that are potential biohazards shall be appropriately packaged and marked to reduce the risk of exposure or contamination.

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

801.4 PACKAGING OF PROPERTY

Packaging will conform to certain procedures. Certain items require special consideration and shall be booked separately as follows:

- (a) Controlled substances
- (b) Firearms (ensure they are unloaded, rendered safe, and booked separately from ammunition)
- (c) Property with more than one known owner
- (d) Drug paraphernalia
- (e) Fireworks
- (f) Contraband
- (g) Biohazards
- (h) U.S. Currency

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801.4.1 PACKAGING CONTAINER

Employees shall package all property, except controlled substances, in a suitable container that is appropriate for its size. Knife boxes should be used to package knives or any other sharp items. Handgun boxes should be used for handguns. Syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

801.4.2 PACKAGING CONTROLLED SUBSTANCES

The officer seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged and placed in the designated property locker, evidence chute or storage room. Prior to packaging if safety and if the quantity allows, a presumptive test should be made on all suspected controlled substances. When conducted, the result of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size, available in evidence holding. The booking officer shall initial the sealed envelope. Controlled substances shall not be packaged with other property. After packaging and sealing as required, the entire package will be weighed by the officer and the Gross Package Weight (GPW) will be placed in the case report and in the Records system.

The GPW will be verified every time the package is checked in or out of the Property and Evidence Unit. Any discrepancies shall be noted in the Records system. Any change in weight should be immediately reported to the Police Services supervisor.

A completed property tag shall be attached to the outside of the container. The chain of custody shall be recorded electronically.

801.4.3 RIGHT OF REFUSAL

The evidence clerk has the right to refuse any piece of property that is hazardous or that has not been properly documented or packaged. Should the evidence clerk 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 officer's supervisor.

801.5 RECORDING OF PROPERTY

The evidence clerk receiving custody of evidence or property shall indicate such in each property field in the Records system. This electronic record will be kept in the Records system until the property is returned, destroyed or otherwise no longer to be retained by the Property and Evidence Unit. The evidence clerk will verify the GPW if it is a controlled substance to be used as evidence, the date and time the property was received and where the property will be stored in the Records system.

Any changes in the location of property held by the Nixa Police Department shall be noted in the Records system.

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801.6 PROPERTY CONTROL

Each time the evidence clerk receives property or releases property to another person, he/she shall enter this information in the Records system. Officers desiring property for court shall contact the evidence clerk at least one day prior to the court day.

801.6.1 RESPONSIBILITIES OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry in the Records system shall be completed to maintain the chain of custody.

Request for analysis of items other than controlled substances shall be completed on the appropriate forms and submitted to the evidence clerk. This request may be filled out any time after booking of the property or evidence.

801.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time in the Records system.

The evidence clerk releasing the evidence must complete the required information in the Records system. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the evidence clerk will record the delivery time. The delivery time will be updated in the Records system upon return to the department. All official lab forms will be included with the case in the Records system.

801.6.3 STATUS OF PROPERTY

Each person receiving property will ensure the appropriate entry to document the chain of custody has been made in the Records system. Temporary release of property to officers for investigative purposes, or for court, shall be noted in the Records system, stating the date, time and to whom it was released. The evidence clerk shall also include the reason for release in the Records system.

Any employee receiving property shall be responsible for such property until it is returned to the Property and Evidence Unit or released to another authorized person or entity.

The return or release of the property should be recorded in the Record system indicating date, time and the person.

801.6.4 AUTHORITY TO RELEASE PROPERTY

The evidence clerk shall not release any property without a signed authorization from an appropriate authorized member of the Department. The Criminal Investigations Division shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

For property in custody of the Department for investigatory or prosecutorial purposes and owned by a victim or witness, a evidence clerk shall, upon the request of the owner:

- (a) Provide a list describing the property, unless such release would seriously impede an investigation.

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- (b) Return the property expeditiously, unless the property is contraband or required as evidence.

Upon the direction of a prosecuting attorney, property held as evidence of a crime may be photographed and released to the owner.

801.6.5 RELEASE OF PROPERTY

A reasonable attempt shall be made to identify the rightful owner of found or stolen property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or investigator and must conform to the items listed on the property label or must specify the specific item to be released. Release of all property shall be properly documented.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available.

A evidence clerk shall release the property to the owner or finder, upon valid identification and proper documentation presented by the owner or finder, for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property documentation.

Upon release or other form of disposal, the proper entry shall be recorded in all property documentation and in the Records system.

801.6.6 STOLEN OR EMBEZZLED PROPERTY

Stolen or embezzled property that is in the custody of this department shall be restored to the legal owner upon receipt of a court order (§ 542.301.1(2), RSMo).

Property wrongfully taken from a mercantile establishment may be returned to the owner when (§ 490.717.3, RSMo):

- (a) Photographs of the property signed by the arresting officer have been taken that depict the owner of the property and the date and time of the photograph.
- (b) A written affidavit has been signed by the arresting officer that includes:
 - 1. A written description of the property including the retail price of the property and, if available, the manufacturer's number, the style, the color and the size of the property.
 - 2. The name and address of the mercantile establishment.
 - 3. The name, address and signature of the owner, agent or representative of such mercantile establishment.

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4. The name and badge number of the arresting officer and his/her signature indicating the date of signing.
5. The name and address of the photographer and the date and time that the photographer signed the photograph

801.6.7 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a court order or establishes proof of the undisputed right to the property.

All parties should be advised that their claims are civil. In extreme situations, legal counsel for the Department may be asked to file an interpleader in court to resolve the disputed claim.

801.6.8 RELEASE AND DISPOSAL OF FIREARMS

A firearm may not be released until it has been verified that the person receiving the weapon is not prohibited from receiving or possessing the weapon by 18 USC § 922 (d) and a computerized criminal history and NICS check has been completed.

801.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be sold at a public auction in compliance with existing laws, upon receipt of proper authorization for disposal.

Property not held for any other purpose and not claimed after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed. Property with an estimated value of \$500 or more will be advertised in the local print media before it is destroyed or auctioned. The final disposition of all such property shall be fully documented in related reports. All property set to be disposed of with the exception of contraband must be listed in printed media for a period of 48 hours prior to final disposition.

Upon any release or sale of any property, the proper notation shall be made in the Records system. Proceeds from the sale of unclaimed property shall be reported and forwarded to the State Treasurer, minus any approved reimbursements for department expenses.

801.7.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law or by a court of competent jurisdiction:

- Weapons declared by law to be nuisances
- Counterfeiting equipment
- Gaming devices

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- Obscene matter ordered to be destroyed by the court
- Altered vehicles or component parts
- Narcotics
- Unclaimed, stolen or embezzled property
- Destructive devices

801.7.2 UNCLAIMED MONEY

If found money is no longer required as evidence and remains unclaimed after three years, the money is presumed abandoned property and shall be turned over to the State Treasurer (§ 447.532.1, RSMo).

801.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Criminal Investigations Division supervisor shall ensure that no biological evidence is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor
- (d) Any sexual assault victim
- (e) The Chief of Police

Biological evidence shall be retained for a minimum period established by law or the Chief of Police, whichever time period is greater.

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.

801.8 REPORT OF ABANDONED PROPERTY

The Police Services supervisor shall complete and file a Missouri Report of Unclaimed Property to the State Treasurer annually. The report shall be postmarked no later than November 1 for the period ending June 30 (§ 447.539.1, RSMo).

801.9 INSPECTIONS OF THE PROPERTY AND EVIDENCE UNIT

On a random and regular basis, the Support Services supervisor shall complete unannounced inspections of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

- (a) An annual audit of evidence held by the Department shall be conducted by a Division supervisor who is not routinely or directly connected with evidence control, as directed by the Chief of Police.
- (b) An inventory of all evidence/property held by the Department shall be conducted by the evidence clerk annually, as directed by the Police Services supervisor.

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- (c) Whenever a change is made in personnel who have access to the Property and Evidence Unit, an inventory of all evidence/property shall be made by an individual not associated with the Property and Evidence Unit or function, to ensure that records are correct and all evidence/property is accounted for.

Records Unit

802.1 PURPOSE AND SCOPE

The Records Clerk shall keep the Department Records Unit procedures on a current basis to reflect the process being followed within the Records Unit. Policies and procedures that apply to all employees of this department are contained in this chapter.

802.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically by Records Unit personnel.

Reports are numbered commencing with the last two digits of the current year followed by a sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number 12-00001 would be the first new case beginning January 1, 2012.

802.2 PRIVACY POLICY

The Records Clerk shall apply, and assist in the development and maintenance of, the organization's policy standardizing the collection, storage, transfer and use of personally identifiable information pursuant to § 610.010, RSMo et seq. Minimally, the policy shall include:

- (a) A declaration supporting the protection of individual privacy.
- (b) Standards which minimize the collection of personally identifiable information to the least amount of information required to complete a particular transaction.
- (c) The applicability of the Missouri Sunshine Law.
- (d) A method for feedback from the public on compliance with the privacy policy.
- (e) Notation that the policy applies to the collection of all personally identifiable information, regardless of the source or medium.

The privacy policy shall be published on the department's website.

802.3 FILE ACCESS

All reports including, but not limited to, initial, supplemental, follow-up, evidence and all reports related to a case shall be maintained in a secure area within the Records Unit, accessible only to authorized Records Unit personnel. Access to report files after hours or when records personnel are otherwise not available may be obtained through the Shift Supervisor.

Nixa Police Department employees shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether hard copy or electronic file format, except in accordance with department policy and with a legitimate law enforcement or business purpose or as otherwise permissible by law.

Records Unit

802.3.1 REQUESTING ORIGINAL REPORTS

Generally, original reports shall not be removed from the Records Unit. Should an original report be needed for any reason, the requesting employee shall first obtain authorization from the Records Clerk. All original reports removed from the Records Unit shall be recorded on the report check-out log, which shall constitute the only authorized manner by which an original report may be removed from the Records Unit.

All original reports to be removed from the Records Unit shall be photocopied and the photocopy retained in the report file location of the original report until the original is returned to the Records Unit. The photocopied report shall be shredded upon return of the original report to the file.

802.4 RECORDS MANAGER TRAINING

The Records Clerk shall receive training in records management, including proper maintenance, retention and disposal of records and the proper release of records under state and federal law.

802.5 REQUISITION OF SUPPLIES

All personnel in need of supplies shall complete a requisition of supplies form, available in the Records Unit. The form shall be approved by a supervisor and submitted to the supply clerk in the Records Unit.

Only Records Unit personnel shall issue supplies from the supply room. No supplies will be provided without a requisition of supplies form.

802.6 DATA COLLECTION

The Records Clerk will collect and report all crime and police stop data as required by law (§ 43.505, RSMo). This includes assisting the Chief of Police with the submission of an annual report to the office of the Attorney General consisting of the information gathered from traffic stops pursuant to § 590.650, RSMo.

802.7 USE OF FORCE REPORTING

The Operations Bureau Commander or designee shall ensure that use of force reports are submitted to the Missouri Department of Public Safety on a monthly basis (§ 590.1265, RSMo.).

Records Maintenance and Release

803.1 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.

803.2 POLICY

The Nixa Police Department is committed to providing public access to records in a manner that is consistent with the Missouri Sunshine Law (§ 109.180, RSMo).

803.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police shall designate a Custodian of Records (§ 610.023, RSMo). The responsibilities of the Custodian of Records include, but are not limited to:

- (a) Managing the records management system for the Department, including the retention, archiving, release and destruction of department public records (§ 109.240, RSMo; § 109.241, RSMo; § 109.260, RSMo).
- (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 bureau responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records.
 - 1. Making these rules available to the public.
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
 - 1. Closed records shall be kept separate from public records and shall remain confidential (§ 610.120, RSMo).
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring a current schedule of fees for public records as allowed by law is available (§ 610.026, RSMo).
 - 1. Fees may not exceed 10 cents per standard page for a copy of a public record, or a fee not to exceed the actual cost of providing a copy, printout or photograph of a public record in a format other than a standard page.
 - 2. The hourly fee for records generated by a manipulation of data in a form not used by this department shall not exceed the average hourly rate of pay for clerical staff manipulating the data and generating the record in accordance with the request. Persons making subsequent requests for the same or similar records may be charged a fee not in excess of the original fee.

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3. If the public record is a result of computer output, other than word processing, the fee may be based on recovery of the actual incremental cost of providing the electronic services and products, together with a reasonable portion of the cost associated with building and maintaining the information system.
4. The Custodian of Records may waive or reduce fees when it is in the public interest to do so, provided any such fee reduction or waiver is uniformly applied among persons who are similarly situated.
5. The Custodian of Records may require the payment of established fees in advance for each record sought.

803.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

803.4.1 REQUESTS FOR RECORDS

The processing of requests for any record is subject to the following:

- (a) The Department is not required to create records that do not exist.
- (b) 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 (§ 610.024, RSMo).
 1. 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.
 2. If portions of a record are redacted, the Department shall generally describe the redacted material unless that description would reveal the contents of the redacted information.
- (c) The Custodian of Records shall determine whether the requested record is available and/or subject to any exemption from disclosure. Processing of such requests may not take more than three days, unless the Custodian of Records finds there are extenuating circumstances (§ 610.023, RSMo).
 1. A finding that extenuating circumstances exist shall be made in writing by the Custodian of Records and shall be provided to the person making the request within the three-day period.
- (d) Requests from criminal defendants and their authorized representatives, including attorneys, shall be referred to the Prosecuting Attorney, City Attorney or the courts.

803.4.2 DENIALS

The denial of a request for records is subject to the following:

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- (a) If access to any public record is denied, the applicant may request a written statement of the grounds for the denial. The Custodian of Records shall prepare the written statement within three business days, citing the law or regulation under which access is denied or the general nature of the public interest to be protected (§ 610.023, RSMo).
- (b) Requests for information believed to be confidential but not specifically allowed by statute or judicial decision to be withheld from the public should be discussed with department legal counsel before release.

803.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (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 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) Closed records (§ 610.120, RSMo).
- (c) Investigative reports or portions thereof of active cases (§ 610.100, RSMo).
 - 1. Daily logs or records that list suspected crimes, accidents or complaints shall be made available for inspection and copying by the public (§ 610.200, RSMo).
- (d) Arrest records where the person is not charged within 30 days of the person's arrest (§ 610.100, RSMo).
- (e) Information acquired by a 9-1-1 call except date, time, specific location and immediate facts and circumstances surrounding the initial report of the crime or incident (§ 610.150, RSMo).
- (f) Missouri criminal records repository subject to § 43.509, RSMo (§ 610.120, RSMo).
- (g) Sexual assault victim information, if requested, until a charge relating to such incident is filed (§ 610.100, RSMo).
- (h) Confidential information involving confidential informants, intelligence information, information that would jeopardize a criminal investigation, information that is reasonably likely to pose a clear and present danger to the safety of any person, victim, witness, undercover officer, or information that would endanger the successful completion of the investigation or a related investigation (§ 610.100, RSMo).
- (i) Personnel records, medical records and similar records which would involve personal privacy (§ 610.021, RSMo).
- (j) Any work product record which was created exclusively in anticipation of potential litigation involving this department (§ 610.021, RSMo).
- (k) Voluntary registration information of persons with health-related ailments (§ 44.035, RSMo).
- (l) Mobile video recordings (§ 610.100, RSMo).

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- (m) Crime scene photographs and video recordings (§ 610.205, RSMo).
- (n) Any other record not addressed in this policy where:
 - 1. Such inspection would be contrary to any state statute.
 - 2. Such inspection would be contrary to any federal statute or regulation.
 - 3. Such inspection is prohibited by rules promulgated by the Missouri Supreme Court or by the order of any court.

803.6 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 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.

803.7 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released.

Each audio/video recording released should include the department name and to whom the record was released.

803.8 EXPUNGEMENT

Expungement orders received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records 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 the record is expunged, members shall respond to any inquiry as though the record did not exist.

All records ordered to be expunged shall be destroyed, except as provided by law (§ 610.124, RSMo; § 610.140, RSMo). If destruction of the record is not feasible because of the permanent nature of the record books, such record entries shall be blacked out. Entries of a record ordered expunged pursuant to § 610.123, RSMo shall be removed from all electronic files (§ 610.124, RSMo). Records ordered closed pursuant to § 610.140, RSMo shall be held separately and made accessible as provided in § 610.120, RSMo.

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803.9 SECURITY BREACHES

Members who become aware that any Nixa Police Department system containing personal information may have been breached should notify the Records Clerk as soon as practicable.

The Records Clerk shall ensure the required notice is given to any resident of this state or person who conducts business in this state whose unsecured personal information is reasonably believed to have been acquired by an unauthorized person.

Notice shall be given without unreasonable delay consistent with the legitimate needs of the Nixa Police Department and consistent with any measures necessary to gather sufficient contact information for the affected persons, to determine the scope of the breach and to restore the reasonable integrity, security, and confidentiality of the department data system. Notice may be delayed if notification will impede a criminal investigation or jeopardize national or homeland security (§ 407.1500, RSMo).

For the purposes of the notice requirement, personal information includes an individual's first name or first initial and last name in combination with any one or more of the following (§ 407.1500, RSMo):

- (a) Social Security number
- (b) Driver license number or Missouri identification card number
- (c) Full account number, credit or debit card number, unique electronic identifier or any required security code, access code, or password that would permit access to an individual's financial account
- (d) Medical information or health insurance information

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the Records Clerk should promptly notify the appropriate member designated to oversee the security of protected information (see the Protected Information Policy).

Protected Information

804.1 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 Nixa 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.

804.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Nixa 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.

804.2 POLICY

Members of the Nixa 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.

804.3 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), Missouri Department of Revenue records and the Missouri Uniform Law Enforcement System (MULES).
- (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.

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- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

804.3.1 AUDITS RELATED TO CRIMINAL HISTORY RECORDS

The member assigned by the Chief of Police to coordinate the use of protected information shall ensure that this department maintains dissemination logs related to criminal history record information (CHRI) necessary for auditing purposes (11 CSR 30-4.090(4)).

804.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Nixa Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access (§ 43.532, RSMo).

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 (§ 43.532, RSMo).

804.5 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 Clerk 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 Records Unit 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.

Nothing in this policy is intended to prohibit broadcasting warrant information.

804.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information.

Protected Information

The responsibilities of this position include, but are not limited to (11 CSR 30-4.090(5)):

- (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.
- (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.

804.6.1 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).

804.6.2 DESTRUCTION OF RECORDS

When any document received through MULES, including CHRI, has served the purpose for which it was obtained and is eligible for destruction, it should be disposed of via a permanent destruction method, in compliance with the organization's records retention schedule. At no time shall documents merely be placed in a trash receptacle (11 CSR 30-4.090(5)).

804.7 REVIEW OF AND CHALLENGE TO CHRI

Upon written request and with proper proof of identification, an individual may review his/her own CHRI on file with the Department. However, an individual is not entitled to data contained in intelligence, investigatory or other related files (§ 43.532, RSMo; 11 CSR 30-4.090(6)). If an individual seeks to review records not held by the Department, the individual should be directed to the applicable agency.

Any person also has the right to challenge the accuracy and completeness of records pertaining to him/herself and to request that said records be corrected (11 CSR 30-4.090(6)). Any such requests shall be forwarded to the Records Clerk.

804.7.1 REQUESTS TO CORRECT RECORDS

Upon receipt of a request to correct a record, the Records Clerk will evaluate the request as follows (11 CSR 30-4.090(6)):

- (a) The Records Clerk will review the request for correction and make a determination of whether to grant or refuse the request, in whole or in part.

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- (b) In the event that the Records Clerk requires time to evaluate the merit of the request for correction, the Records Clerk shall notify the requestor and provide the requestor with a reasonable timeframe in which a response will be provided.
- (c) If the Records Clerk determines that a correction is warranted, the Records Clerk will notify the requestor, ensure the change is made in the records of the Nixa Police Department and forward corrected copies to other applicable agencies.
- (d) If the Records Clerk refuses to make the requested correction, the Records Clerk should promptly provide the requestor with a written statement of the grounds for the refusal and information as to how the requestor may proceed with an administrative appeal with the Missouri Department of Public Safety.
- (e) Upon request, the Records Clerk shall give the requestor the names of all non-criminal justice agencies to whom the data has been disseminated.

804.8 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 (11 CSR 30-4.090(5)).

Animal Control

805.1 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.

805.2 ANIMAL CONTROL RESPONSIBILITIES

Animal control services are generally the primary responsibility of the Community Service Officer and include the following:

- (a) Animal-related matters during periods when a Community Service Officer is available.
- (b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that a Community Service Officer is available for investigation and resolution.
- (c) Follow-up on animal-related calls, such as locating owners of animals at large.
- (d) Investigation of abuse and neglect calls.
- (e) Care and maintenance of animals housed at the City of Nixa impound facility.
- (f) Care and maintenance of the City of Nixa impound facility.
- (g) Community education concerning animal related issues.

805.3 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation and determine appropriate actions to control the situation.

Due to the hazards of handling animals, members will be trained and equipped to capture and pick up animals. Any members who believes he/she is unable to safely capture an animal should attempt keep the animal under observation until the arrival of appropriate assistance.

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 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.

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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.

805.4 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.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

805.5 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts shall be made to contact the owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a designated animal care facility.

805.6 POLICY

It is the policy of the Nixa 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.

805.7 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced, including but not limited to § 578.009, RSMo 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 (§ 578.016, RSMo).
 1. An animal discovered during an animal cruelty investigation that is diseased or disabled beyond recovery may be humanely euthanized by a veterinarian, appropriate health official, Animal Control or an officer.

805.8 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 have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

805.9 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,

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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).

805.10 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Shift Supervisor will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

805.11 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.

805.12 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.

Sunshine Law Policy

806.1 POLICY STATEMENT

It is the policy of the Nixa Police Department to comply with the provisions of Chapter 610, RSMo., commonly referred to as the Sunshine Law. In furtherance of this policy, it is noted:

Section 610.023.1, RSMo. provides that a public governmental body is to appoint a custodian who is to be responsible for the maintenance of that body's records and the identity and location of the custodian is to be made available upon request; and

Section 610.026, RSMo. Provides that a public governmental body may prescribe reasonable fees for providing access to or furnishing copies of public records, and that those fees shall not exceed the actual cost of document search and duplication; and

Section 610.28.2, RSMo. Provides that a public governmental body shall provide a reasonable written policy in compliance with Sections 610.010 to 610.030, RSMo commonly referred to as the Sunshine Law, regarding the release of information on any meeting, record or vote.

806.2 PROCEDURES

In accordance with the provisions of the Sunshine Law, the following is adopted as the policy of the Nixa Police Department:

1. That an administrative personnel, as assigned by the Chief of Police, is appointed custodian of the records of the Nixa Police Department for all records. The custodian is located at the Nixa Police Department, 715 West Center Circle, Nixa, Missouri, 65714.
2. That the custodian shall make public records available for inspection and copying during regular business hours at the Nixa Police Department as provided by law. When another time or place is more convenient to the parties, the custodian may designate other employees to make alternative arrangements for the production of public records for inspection and/or copying.
3. That the custodian shall respond to all requests for access to or copies of a public record within the time period provided by statutes, except in those circumstances authorized by statute.
4. That the fee which may be charged for access to or furnishing copies of public records shall be hereinafter provided said fees having been determined to comply with the provisions of Section 610.026 RSMo.
 - (a) Research/Copy time spent on the request will be assessed per record based on the average salary for a Clerk 1 position.
 - (b) A fee of \$00.10 per page will be assessed for supplies.
 - (c) A fee of \$10.00 per CD

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- (d) A fee which includes only the cost of copies, equipment use, programming and staff time required in the production of a public records maintained on computer, microfilm, facilities, recording tapes or discs, videotapes or films, pictures, slides, graphics, illustrations or similar audio or visual items or devices.
 - (e) Documents may be furnished without charge or at a reduced charge when the Nixa Police Department determines that waiver or reduction of the fee is in a public interest because it is likely to contribute significantly to a public understanding of the operations or activities of the Nixa Police Department and is not primarily in the commercial interest of the requestor.
- 5. The above fees may be required to be paid in advance.
 - 6. All records retained by or of the Nixa Police Department, whether created internally or obtained from any source whatsoever, are closed to the extent allowed by law.
 - 7. Nixa Police Department Sunshine Law Table:

See attachment: [Nixa Police Department Sunshine Law Policy Table.pdf](#)

Chapter 9 - Custody

Custodial Searches

900.1 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 Nixa 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.

900.1.1 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.

900.2 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.

900.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after his/her 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.

Custodial Searches

900.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Nixa Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member should 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.

900.4.1 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 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 should be witnessed by another department member.

900.4.2 VERIFICATION OF MONEY

All money should 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.

900.5 STRIP SEARCHES

No individual in temporary custody at any Nixa Police Department facility shall be subjected to a strip search unless there is 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. Factors to be considered in determining reasonable suspicion include, but are not limited to:

- (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.

Custodial Searches

- (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).

900.5.1 STRIP SEARCH PROCEDURES

Strip searches at Nixa Police Department facilities shall be conducted as follows (28 CFR 115.115):

- (a) Written authorization from the Shift Supervisor shall be obtained prior to the strip search.
- (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 (§ 544.193(3), RSMo).
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search (§ 544.193(3), RSMo). 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 Supervisor.
 - 4. The name of the individual who was searched.

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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 showering, 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.

900.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Shift Supervisor 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 Supervisor authorization does not need to be in writing.

900.6 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 Supervisor and only upon a search warrant or approval of legal counsel (§ 544.193(4), RSMo). A copy of any search warrant and the results of the physical body cavity search shall be included with 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).

Custodial Searches

- (b) Only a physician, registered nurse or practical nurse licensed to practice in Missouri may conduct a physical body cavity search.
- (c) The person conducting the search and all persons present must be of the same sex as the individual being searched. 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 Supervisor'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.
- (f) A copy of the written authorization shall be retained and shall be provided to the individual who was searched or other authorized representative (§ 544.193(5), RSMo).

900.7 TRAINING

The Training Officer 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 Nixa Police Department and that are promulgated and maintained by the Human Resources Department.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Nixa 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, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. 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.

1000.3 RECRUITMENT

The Operations Bureau Commander 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.

The Operations Bureau Commander 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.

1000.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects.

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Minimally, the Department should employ a comprehensive screening, background investigation and selection process that assesses cognitive and physical abilities and may include 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 (§ 590.030, RSMo)
- (h) Polygraph or voice stress analyzer (VSA) examination (when legally permissible)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
- (j) Review board or selection committee assessment

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 Nixa 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 Nixa Police Department should not require candidates to provide passwords, account information or access to password-protected social media accounts.

The Nixa Police Department 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.

Recruitment and Selection

- (c) The Department fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Nixa Police Department should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

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.

1000.5.4 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

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.

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1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by the Missouri Peace Officer Standards and Training (POST) Commission (11 CSR 75-13.020):

- (a) Citizen of the United States
- (b) At least 21 years of age
- (c) Possess a high school diploma or equivalent
- (d) Fingerprinted in a manner approved by the Missouri State Highway Patrol
- (e) Receive a qualifying score on the Missouri Peace Officer License Exam (MPOLE), if applicable
- (f) Be eligible for licensure through the POST Commission

Special Assignments and Promotions

1001.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the Nixa Police Department.

1001.2 PROMOTIONAL SPECIFICATIONS

Specifications and information regarding any promotional process are available at the Nixa Human Resources Department.

[See attachment: Promotional Specifications.pdf](#)

1001.3 POLICY

The Nixa Police Department determines assignments and promotions in a nondiscriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Chief of Police.

1001.5 SPECIAL ASSIGNMENT POSITIONS

The following positions are considered special assignments and not promotions:

- (a) Nixa Emergency Tactical Team Member
- (b) Bicycle Patrol Officer
- (c) Canine Handler
- (d) Collision Investigator
- (e) Field Training Officer
- (f) Training Officer
- (g) Drug Abuse Resistance Education (D.A.R.E.) Officer
- (h) Court Officer
- (i) Traffic Officer
- (j) Crime Prevention Officer
- (k) Special Enforcement Team Member

1001.5.1 GENERAL REQUIREMENTS

The following requirements should be considered when selecting a candidate for a special assignment:

- (a) Minimum one consecutive year of full-time service immediately prior to the last day of the job posting with the Nixa Police Department, and not be on probation in the field training program or on disciplinary probation.
- (b) Possession of or ability to obtain any certification required by the Peace Officer Standards and Training Commission or law

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- (c) Exceptional skills, experience, or abilities related to the special assignment

1001.5.2 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 ethical 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.

1001.5.3 SELECTION PROCESS

The selection process for special assignments will include an administrative evaluation as determined by the Chief of Police and may include:

- (a) Documentation review for compliance with basic qualifications and certification of Pre-Appointment Training;
- (b) Evaluation of past work performance and employee job performance evaluation;
- (c) Evaluation of supervisor recommendations;
- (d) Formal or informal interview;
- (e) Other processes as prescribed in the posting
- (f) Based on the selection process, recommendations will be submitted to the Chief of Police.
- (g) Appointment 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.

Grievance

1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the filing and processing of employee grievances.

1002.1.1 POLICY

It is the policy of this department to resolve all employee grievances promptly and in a fair and consistent manner without discrimination or retaliation. The Department encourages effective communication between employees and supervisors.

1002.1.2 GRIEVANCE DEFINED

A grievance is any difference of opinion concerning terms or conditions of employment or a dispute involving the interpretation or application of any of the following documents by the persons affected:

- This Policy Manual
- City rules and regulations covering personnel practices or working conditions

Grievances may be brought by an individual employee

Complaints that are specifically excluded from the category of grievances include:

- (a) Allegations of discrimination or harassment subject to the Discriminatory Harassment Policy.
- (b) Complaints related to state workers' compensation.
- (c) Personnel complaints consisting of any allegation of misconduct or improper job performance by any department employee that, if true, would constitute a violation of department policy, federal, state, or local law as set forth in the Personnel Complaints Policy.

The grievance procedure should not be used as a replacement or an addition to any other grievance mechanisms that may be available in the City.

1002.2 PROCEDURE

Except as otherwise required under City policy, if an employee believes that he/she has a grievance as defined above, then that employee shall observe the following procedure:

- (a) Attempt to resolve the issue through informal discussion with the immediate supervisor.
- (b) If after a reasonable period of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the employee may request review through the chain of command up to the Bureau Commander of the affected bureau.
- (c) If a successful resolution is not found through the chain of command, the employee may request a meeting with the Chief of Police.

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- (d) If the employee and the Chief of Police are unable to arrive at a mutual solution, the employee shall proceed as follows:
 - 1. Submit in writing a document titled "Statement of Grievance" to include:
 - (a) The basis for the grievance (i.e., the facts of the case).
 - (b) A description of the complained of wrongful act and the harm alleged.
 - (c) The related policies, rules or regulations.
 - (d) A statement articulating the reason that proposed prior resolutions of the grievance are unsatisfactory.
 - (e) The remedy or goal being sought by the grievant that is within the power of the Department to grant.
 - (f) Written requests for extensions of time to respond shall be reasonably granted.
- (e) The employee shall submit the written statement of grievance to the Chief of Police through the chain of command. The employee will be given an acknowledgement of receipt by his/her supervisor.
- (f) The Chief of Police will be provided with the written grievance. The Chief of Police and the City Administrator will review and analyze the facts or allegations and provide a response to the employee. The response will be in writing and will affirm or deny the grievance. The response shall include any remedies if appropriate. The final decision rests with the City Administrator and shall be considered final.

1002.3 EMPLOYEE REPRESENTATION

Employees are entitled to have representation of their choosing during the grievance process.

1002.4 PUNITIVE ACTION

At no time will punitive or retaliatory action be taken against an employee for exercising his/her rights during, after or in relation to the grievance procedure.

1002.5 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Support Bureau Commander for inclusion into a secure file for all written grievances. A second copy of the written grievance will be maintained by Human Resources to document and monitor the grievance process. Records shall be maintained in accordance with the organization's applicable records retention schedule.

1002.6 GRIEVANCE AUDITS

The Training Officer shall perform an annual audit of all grievances filed the previous calendar year to evaluate whether any policy/procedure changes or training may be appropriate to avoid future grievances. The Training Officer shall report the findings in a confidential and generic memorandum to the Chief of Police without including any identifying information from any

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individual grievance. If the audit identifies recommended changes or content that warrants a revision to this Policy Manual, the Training Officer should promptly notify the Chief of Police or the authorized designee.

Anti-Retaliation

1003.1 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, law or ordinance.

1003.2 POLICY

The Nixa 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.

1003.3 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 or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

Anti-Retaliation

1003.4 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, City Human Resources Department or by contacting the employee hotline.

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, 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.

1003.5 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.

1003.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Anti-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.

1003.7 RECORDS RETENTION AND RELEASE

The Records Unit shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

Reporting of Employee Convictions

1004.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

1004.2 DOMESTIC VIOLENCE CONVICTIONS AND PROTECTION ORDERS

Missouri and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. 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 are responsible for ensuring that they have not been disqualified from possessing a firearm 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.

1004.3 CRIMINAL CONDUCT

Any person convicted of a felony is prohibited from being a peace officer in the State of Missouri (§ 571.070, RSMo).

If an officer has committed any criminal offense, whether or not a criminal charge has been filed, the officer may have their POST certification suspended or revoked (§ 590.080, RSMo; § 590.090, RSMo).

While legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust.

1004.3.1 COURT ORDERS

All employees shall promptly notify the Department if they are part of any criminal or civil court order, including foreign court orders. Court orders may prevent peace officers from possessing a firearm or require suspension or revocation of their peace officer POST certificate.

1004.4 REPORTING PROCEDURE

All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest or conviction, regardless of whether the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order.

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Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

Communicable Diseases

1005.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1005.1.1 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 Nixa Police Department.

1005.2 POLICY

The Nixa 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.

1005.3 EXPOSURE PREVENTION AND MITIGATION

1005.3.1 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 (29 CFR 1910.1030; 19 CSR 20-20.092):

- (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.

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- (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.

1005.4 POST EXPOSURE

1005.4.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

- (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 practicable.
- (d) Complete an injury report as required by Human Resources.

1005.4.2 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 (29 CFR 1910.1030; 19 CSR 20-20.092):

- (a) Name of the member exposed
- (b) Date and time of the incident
- (c) Location of the 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.

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The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply.

1005.4.3 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.

The Supervisor should request a written opinion/evaluation from the treating medical professional that contains only the following information:

- (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 Supervisor.

1005.4.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (29 CFR 1910.1030; 19 CSR 20-20.092).

1005.4.5 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 Supervisor.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Seeking a court order for HIV testing through the Department of Health and Senior Services (DHSS) (§ 191.674, RSMo).
- (c) Applying directly to a court for an order for the disclosure of HIV-related information (191.657, RSMo).
- (d) Receiving law enforcement officer notifications by health care practitioners regarding HIV (191.658, RSMo).
- (e) If the person is transported to a hospital, having the hospital conduct the testing (§ 191.631, RSMo).
- (f) Working with a prosecutor to request HIV testing (§ 191.677, RSMo).

Since there is the potential for overlap between the different manners in which source testing may occur, the Supervisor is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The Supervisor 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.

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1005.5 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.

1005.6 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (29 CFR 1910.1030; 19 CSR 20-20.092):

- (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

1006.1 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 Nixa Police Department facilities or vehicles.

For the purposes of this policy, smoking includes, but is not limited to, cigarettes, cigars, pipe tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer. Tobacco use includes, but is not limited to, snuff, tobacco pouches and chewing tobacco.

1006.2 POLICY

Smoking is prohibited by members and visitors inside all department facilities, buildings and vehicles. It shall be the responsibility of each member to ensure that no person under his/her supervision smokes inside City facilities and vehicles.

1006.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Nixa Police Department.

Personnel Complaints

1007.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation, and disposition of complaints regarding the conduct of members of the Nixa 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.

1007.2 POLICY

The Nixa 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, municipal and county rules and the requirements of any employment agreement.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1007.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of 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.

1007.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Shift Supervisor 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 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 Professional Standards Unit, 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. At the discretion of the assigned supervisor or the Professional Standards Unit, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

Personnel Complaints

1007.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person, or by telephone.
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

1007.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1007.4.1 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 deemed appropriate by the Chief of Police.

1007.4.2 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.

1007.5 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 should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and disposition on the complaint. On an annual basis, the Department should audit the log and send an audit report to the Chief of Police or the authorized designee.

1007.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

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1007.6.1 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 Supervisor 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 Bureau Commander or the Chief of Police, who will initiate appropriate action.
- (b) Responding to all complainants 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 Supervisor.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Shift Supervisor and Chief of Police are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Bureau Commander and the Chief of Police for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic, or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Bureau 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.

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- (i) Ensuring that the procedural rights of the accused member are followed.
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1007.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Professional Standards Unit, the following applies to employees.

- (a) Interviews of an accused employee shall 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 shall be at the Nixa 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 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.
- (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.

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- (j) All employees shall provide complete and truthful responses to questions posed during interviews.
- (k) No employee may be compelled to submit to a deception detection device examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

1007.6.3 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.

1007.6.4 ADDITIONAL CONDITIONS FOR INVESTIGATIONS OF OFFICERS

The following conditions apply to officers under administrative investigation or questioning (§ 590.502, RSMo):

- (a) Complaints must be supported by a written statement outlining the complaint and include the complainant's personal identifying information.
 - 1. The complainant's personal identifying information shall remain confidential.
- (b) The officer shall be informed, in writing, of the existence and nature of the alleged violation and who will be conducting the investigation. Notice shall be provided to the officer along with a copy of the complaint at least 24 hours prior to any interrogation or interview.
- (c) Interviews shall be conducted for a reasonable length of time and only while the officer is on-duty unless reasonable circumstances exist that necessitate questioning the officer while off-duty.
- (d) Any interviews or questioning shall be conducted at a secure location at the Department or at the place where the officer reports to work, unless the officer consents to another location.

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- (e) Officers shall be questioned by up to two investigators and shall be informed of the name, rank, and command of the investigators conducting the investigation with the exception that, separate investigators shall be assigned to investigate alleged department policy violations and alleged criminal violations.
- (f) Officers are entitled to have an attorney or authorized representative present during any questioning that the officer reasonably believes may result in disciplinary action. The attorney or representative shall be permitted to confer with the officer but shall not unduly disrupt or interfere with the interview.
- (g) If an unrepresented employee requests representation, questioning shall be suspended for a period of up to 24 hours.
 - 1. Officers also have the right to an uninvolved representative at any subsequent disciplinary or administrative proceedings.
- (h) Prior to the interview, the officer and their representative shall have the opportunity to review the complaint.

1007.6.5 DISPOSITIONS

Each personnel complaint shall be classified 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.

1007.6.6 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.

If the source of the investigation was a complaint filed by a member of the public against an officer, completion of the investigation, including any disciplinary decision, should be within 90 days from receipt of the complaint absent an extension granted for good cause by the administering authority as provided in § 590.502, RSMo.

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1007.6.7 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.

1007.6.8 NOTICE TO OFFICER OF INVESTIGATION CONCLUSION

The member conducting the investigation should notify the officer, in writing, within five days of the conclusion of the investigation of the investigative findings and any recommendation for further action, including discipline (§ 590.502, RSMo).

1007.7 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.

1007.8 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, and any other department equipment.
- (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.

1007.9 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.

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The Nixa 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.

1007.10 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 his/her comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

1007.10.1 BUREAU COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Bureau Commander of the involved member shall review the entire investigative file, the member's personnel file, and any other relevant materials.

The Bureau 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 Bureau 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 Bureau 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.

1007.10.2 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 Bureau 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.
 - (a) Upon written request by the officer, a copy of the complete investigation record shall be provided to the officer or a representative within five business days. A protective order may be sought to redact personal identifying information as applicable (§ 590.502, RSMo).
- (b) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.

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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 the member's 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.

1007.10.3 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.

1007.11 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 cause further investigation to be conducted, 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.

1007.12 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.

Personnel Complaints

1007.13 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 to appeal using the procedures established by any employment agreement and/or personnel rules.

In the event of punitive action against an officer, the appeal process shall be in compliance with § 590.502, RSMo.

1007.14 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 the authorized designee.

Any probationary period may be extended at the discretion of the Chief of Police in cases where the individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate.

1007.15 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.

1007.16 CONFIDENTIAL RECORDS

All records compiled as a result of an investigation subject to § 590.502, RSMo shall be held confidential and are not subject to disclosure except by subpoena, court order, officer consent, or as provided in § 590.070, RSMo.

Seat Belts

1008.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles.

1008.1.1 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 (§ 307.179.1, RSMo).

1008.2 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 also properly restrained (§ 307.178.2, RSMo).

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the department member or the public. Members must be prepared to justify any deviation from this requirement.

1008.3 TRANSPORTING CHILDREN

All children younger than 16 years of age shall be transported in compliance with Missouri's restraint system requirements based on the age and weight of the child (§ 307.179.2, RSMo).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat 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 airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

1008.4 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 seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Seat Belts

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1008.5 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat 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.

1008.6 POLICY

It is the policy of the Nixa Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle accident.

1008.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

1008.8 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 air bag device.

Body Armor

1009.1 PURPOSE AND SCOPE

The purpose of this policy is to provide officers with guidelines for the proper use of body armor.

1009.2 POLICY

It is the policy of the Nixa 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.

1009.3 ISSUANCE OF BODY ARMOR

The department quartermaster 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 Nixa 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.

1009.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

- (a) Officers shall only wear department-approved body armor.
- (b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- (d) Body armor shall be worn when an officer is working in uniform, unless they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action, or taking part in department live-fire range training.
- (e) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her 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.

1009.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Periodic inspections of body armor should be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.

Body Armor

1009.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

Personnel Records

1010.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1010.2 POLICY

It is the policy of the department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Missouri (§ 610.021, RSMo).

1010.3 DEPARTMENT FILE

The department file shall be maintained as a record of a person's employment/appointment with this department. The department file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.
- (d) Original performance evaluations. These should be permanently maintained.
- (e) Discipline records, including copies of sustained personnel complaints.
- (f) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment.
 - 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment (§ 590.502, RSMo).
 - 2. Any member response shall be attached to and retained with the original adverse comment (§ 590.502, RSMo).
 - 3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file.
- (g) Commendations and awards.
- (h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

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1010.4 BUREAU FILE

Bureau files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Bureau 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.

1010.5 SECURITY

Personnel records should be maintained in a secured location and locked either in a 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, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the City Administrator, City Attorney or other attorneys or representatives of the City in connection with official business.

1010.5.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify Human Resources or other person charged with the maintenance of such records.

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.

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.

1010.5.2 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 false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement.

1010.6 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

Any member may request access to his/her own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from his/her personnel records shall file a written request to the Chief of Police through the chain of command. The Department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response

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from the Department shall be retained with the contested item in the member's corresponding personnel record.

Members may be restricted from accessing files containing any of the following information:

- (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) Criminal investigations involving 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.

1010.7 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

- (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 applicable statutory 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.

Personnel Records

1010.8 TRAINING FILE

An individual training file shall be maintained by the Training Officer for each member. Training files will contain records of all training; original or photocopies 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 Officer or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Officer or supervisor shall ensure that copies of such training records are placed in the member's training file.

1010.9 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Professional Standards Unit in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Professional Standards Unit supervisor.

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:

- (a) Not sustained
- (b) Unfounded
- (c) Exonerated

1010.10 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. Medical files will be maintained by Human Resources.

Commendations and Awards

1011.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Nixa Police Department and individuals from the community.

1011.2 POLICY

It is the policy of the Nixa 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.

1011.3 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.

1011.4 AWARDS

- (a) **Award of Valor:** An award for actions above and beyond the call of duty. This award is given when an individual has exhibited exceptional courage, extraordinary decisiveness and presence of mind; or an unusual swiftness of action, regardless of his or her personal safety, to save or protect human life.
- (b) **Award of Lifesaving:** An Award for actions by an individual to provide life saving efforts to a person or persons who, without immediate assistance, would be in eminent risk of death.
- (c) **Award of Merit:** An award for exceptional work above and beyond the call of duty to improve the overall service of the department.
- (d) **Award of Marksmanship:** An award given to an officer who demonstrates superior skill and proficiency in marksmanship during a given period, competition, event or incident.

Criteria for each award and the selection, presentation and display of any award are determined by the Chief of Police.

1011.5 CRITERIA

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond typical duties.

1011.5.1 DEPARTMENT MEMBER DOCUMENTATION

Members of the Department should document meritorious or commendable acts. The documentation should contain:

- (a) Identifying information:
- (b) For members of the Department - name, bureau and assignment at the date and time of the meritorious or commendable act

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- (c) For individuals from the community - name, address, telephone number
- (d) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (e) The signature of the member submitting the documentation.

1011.5.2 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Department members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

- (a) Identifying information
- (b) For members of the Department - name, bureau and assignment at the date and time of the meritorious or commendable act
- (c) For individuals from the community - name, address, telephone number
- (d) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (e) The signature of the person submitting the documentation.

1011.5.3 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of a member of the Department should be forwarded to the appropriate Bureau Commander for his/her review. The Bureau Commander should sign and forward the documentation to the Chief of Police for his/her review.

The Chief of Police or the authorized designee will present the commendation to the department member for his/her signature. The documentation will then be entered into the member's personnel file.

Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to the Bureau Commander. The documentation will be signed by the Bureau Commander and forwarded to the Chief of Police for his/her review. An appropriate venue or ceremony to acknowledge the individual's actions should be arranged. Documentation of the commendation shall be maintained in a file designated for such records.

1011.6 OFFICER OF THE YEAR

An honor awarded to a Police Officer of the department by the Command Staff. This honor is awarded to an officer who has consistently exemplified the mission, vision, and values of the Nixa Police Department during the entire calendar year.

Fitness for Duty

1012.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that employees remain fit for duty and able to perform their job functions.

1012.2 POLICY

It is the policy of the Nixa Police Department to provide a work environment in which all employees performing public safety duties have the physical stamina and psychological stability to perform the essential functions of their positions, with or without reasonable accommodation.

1012.3 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of the position with or without reasonable accommodation.
- (b) Each member of this department shall perform his/her respective duties without physical, emotional and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive and capable of performing assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor. Any employee who requires reasonable accommodations related to a mental or physical disability should immediately alert a supervisor as to the need for accommodations.

1012.4 SUPERVISOR RESPONSIBILITIES

Each supervisor is responsible for monitoring those individuals in his/her command for any behavior that would warrant further inquiry. A supervisor observing an employee, or receiving a report of an employee who is perceived to be unable to safely perform his/her duties due to a physical, medical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.

- (a) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem.
- (b) In all cases, a preliminary evaluation should be made to determine the level of inability of the employee to perform his/her duties.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.

Fitness for Duty

- (d) In conjunction with the Shift Supervisor or the employee's available Bureau Commander, a determination should be made whether the employee should be temporarily relieved from duty.
- (e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

1012.5 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with the Human Resources Department to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, list any functional limitations that limit the employee's ability to perform job duties. If the employee places his/her condition at issue in any subsequent or related administrative action or grievance, the examining physician or therapist may be required to disclose any and all information that is relevant to such proceeding.
- (c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the examination, evaluation and/or treatment.
- (d) All reports and examinations submitted by the treating physician or therapist shall be part of the employee's medical file.
- (e) Any employee ordered to receive a fitness-for-duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and may subject the employee to discipline, up to and including termination.
- (f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

1012.6 LIMITATION ON HOURS WORKED

Absent emergency operations, members should not work more than:

- 16 hours in a one-day period (24 hours)
- 30 hours in any two-day period (48 hours)
- 84 hours in any seven-day period (168 hours)

Fitness for Duty

Except in very limited circumstances members should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

1012.7 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness-for-duty examination shall be entitled to an administrative appeal.

Lactation Breaks

1013.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child.

1013.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing child for up to one year after the child's birth (29 USC § 207).

1013.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee 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 employee'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.

Employees desiring to take a lactation break shall notify the Communications Center 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.

1013.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee'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).

Employees 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 employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area (§ 191.918, RSMo).

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Lactation Breaks

1013.5 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.

Employee Compensation and Overtime Program

1014.1 POLICY

It shall be the policy of the Nixa Missouri Police Department to compensate those employees required to perform tasks that exceed their normal work period or which occur during their scheduled leave period.

All department employees may be required to work hours in excess of their normal work period when necessary and as determined by department management.

[See attachment: General Order 20-11.pdf](#)

1014.2 DEFINITIONS

Court Time - Normal off-duty time required to respond to an official court subpoena that relates to duties performed as an employee of the Department.

Emergency Call-in - Authorized when an eligible employee is called to duty, for emergency conditions, while on authorized leave. (Examples: Disasters or Internal Affairs Investigations)

Overtime - Authorized time worked by an employee, caused by no fault of the employee, which exceeds their normal work period.

Work Period - This is defined as a fourteen-day period. A normal work period will be based on the shift length as follows:

- 08-hour shift = 80 hours
- 10-hour shift = 80 hours
- 12-hour shift = 84 hours

Compensatory Time - Time off in lieu of immediate overtime pay at a rate of one and one half-hours for each hour of overtime worked.

1014.3 PROCEDURE

1. ADMINISTRATION OF THE COMPENSATION PROGRAM

1. Employee Responsibility

1. All non-exempt employees are required to enter hours into the electronic time entry system.
2. The employee claiming overtime compensation shall appropriately complete an overtime request via our electronic time entry system. Time will be approved electronically by a supervisor or designee.
3. Time shall be entered via fifteen (15) minute increments in the electronic time entry system.

2. Supervisor's Responsibility

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Employee Compensation and Overtime Program

1. Each supervisor shall be responsible for organizing and managing the work of staff in a manner to minimize the accumulation of overtime.
2. The supervisor or designee shall review for accuracy and electronically approve time submitted by staff in our electronic time entry system.
3. Should approve compensatory time requests unless it would unduly disrupt City operations.
 1. Supervisors may require employees to take time off to reduce compensatory time balances.
 2. Supervisors should give as much advance notice as possible to employees when mandating the use of Compensatory time.
2. **OVERTIME** - The overtime rate paid for hours worked in excess of their normal work period will be at one and one-half times the employee's normal hourly rate. Your base work period for computing overtime compensation will be the actual hours worked, as well as hours of sick, vacation, holiday, personal day, compensatory time hours compensated. Exempt employees shall not be paid for overtime worked.
3. **COMPENSATORY TIME** - An agreement between the employee and the Department concerning the use of compensatory time must be reached prior to the performance of work. The agreement need not be in writing and may be evidenced by the employee working overtime knowing that the Department utilizes compensatory time in lieu of paid overtime, a Department policy that has been communicated to employees, language in an offer letter or other methods that establish an agreement to accept compensatory time in lieu of paid overtime. The City need not adopt the same agreement or understanding with all employees. Occasional cash payment of overtime hours doesn't negate the compensatory time agreement.
 1. Only non-exempt members are eligible for compensatory time.
 2. Compensatory time will be managed in the City's payroll system.
 - (a) Failure to follow timekeeping procedures or misrepresentation on timesheets is grounds for discipline up to and including termination.
 3. Members may accumulate a maximum of 40 hours (26.667 hours of actual overtime worked) per year.
 4. Compensatory time is granted at the rate of one and one-half hours for each overtime hour worked.
 5. Compensatory time must be earned before it is taken.
 6. Compensatory time may be taken at the employee's discretion with supervisor approval.
 7. The Department may, in its discretion cash out accumulated compensatory time at the employee's hourly rate of pay.
 - (a) Members who transfer into Exempt status positions will be paid out for any unused compensatory time balances.

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- (b) Unused compensatory time earned between January 1 of the calendar year through December 14 of the same calendar year will be paid out at the employee's hourly rate of pay.
 - (c) Members are prohibited from accruing compensatory time from December 15 through December 31 of the calendar year.
 - (d) Members will be paid out all compensatory time balances upon resignation or termination at the member's hourly rate of pay.
- 4. **EMERGENCY CALL-IN COMPENSATION** - All employees called to duty for emergency or special conditions by a supervisor or a commanding officer shall be designated as an emergency call-in. Such call-in shall be at a minimum rate of three (3) hours at the normal hourly pay rate. The time required in excess of three (3) hours shall be compensated at the normal hourly rate. An employee receiving another call-in within the same call-out period already compensated for shall only receive compensation for the amount of time it took to complete the service.
- 5. **STANDBY COMPENSATION** - The City of Nixa will compensate standby personnel, not compensated within their regular hourly rate, at a flat rate of \$105/week or \$15/day.
- 6. **COURT TIME COMPENSATION**
 - 1. All employees attending a court session while off-duty shall be compensated at a minimum of three (3) hours at the normal hourly pay rate.
 - (a) Employees must be responding to an official court subpoena relating to any law enforcement duty.
 - (b) Prior to responding to Court, the employee must call the Court Clerk to ensure that their case has not been delayed or canceled.
- 7. **COMPENSATION OPTIONS**
 - 1. **Work Schedule Options**
 - (a) Employees assigned to various events or extra duties shall attempt to adjust their work hours so that they are attending the assignment while on duty if possible doing so in coordination with and approval of their supervisor.
- 8. **TELEPHONE CALLS**
 - 1. Off-duty work-related telephone calls which last over 6-minutes (continuous) will be eligible for 0.25 hours of compensation. The breakdown is as follows:
 - (a) 6-20 minutes = 0.25 hours
 - (b) 21-35 minutes = 0.50 hours
 - (c) 36-50 minutes = 0.75 hours
 - (d) 51-65 minutes = 1.0 hours
 - 2. Each phone call is calculated individually, and calls cannot be combined to meet the 6-minute threshold. If you engage in additional work after the phone call, this would be on duty work and you would be paid accordingly. However,

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you must keep records of all your time and produce it at the time you request compensation.

9. TEXT MESSAGES

1. Members who engage in work-related communication via text messages while off duty will not be eligible for compensation. Text messaging has not been deemed a substantial interruption to off duty hours.

Secondary Employment and Contracted Police Services

1015.1 POLICY

It is the policy of the Nixa Police Department to allow officers the opportunity to pursue or otherwise engage in Secondary Employment, including police/security related employment, which does not conflict with his/her official duties.

1015.2 PURPOSE

To establish procedures governing Secondary Employment, including Outside Employment and Self-Employment. Although officers are permitted to engage in Secondary Employment, their primary duty, obligation, and responsibility is to the Nixa Police Department.

1015.3 DEFINITIONS

“Contracted Police Services” include any duties performed by uniformed officers for the benefit of, or at the request of, third parties (i.e. uniformed officer performing security duties at a local sporting event). All Contracted Police Services shall be coordinated through the Office of the Chief of Police or his/her designee.

“Secondary Employment” is any work done or services performed for compensation of any kind, including Self-Employment, by an Officer in addition to the Officer’s employment with the Nixa Police Department. Secondary Employment can generally be classified in one of the following categories:

1. **“Outside Employment”**: Employment where there is no actual or implied law enforcement service being performed for the employer and where it is not anticipated that a situation will arise where the officer will be expected to exercise police powers as a part of the officer’s regular employment duties. During Outside Employment, Officers are not permitted to wear a department uniform or utilize any property, equipment, or supplies which is owned by the City of Nixa (e.g. officer works for a local business as a “Security Guard” wearing a security uniform).
2. **“Self-Employment”**: Any Secondary Employment where the officer is an owner of the business or an independent contractor (e.g. officer owns and operates a roofing business).

1015.4 PROCEDURES

- A. Contracted Police Service Procedures: All Contracted Police Service shall be coordinated through the Office of the Chief of Police. The following procedure shall apply:
 1. The Department will establish an application process to ensure compliance with all elements of this policy concerning Contracted Police Services.

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2. Any outside agency, firm, company, individual or other entity who wishes to employ the services of a uniformed Nixa Police Department Officer, must submit an application for such services.
3. The application must be approved by the Chief of Police or designee prior to any officer engaging in Contracted Police Services. The application shall include the following:
 - (a) Name of the contracting entity.
 - (b) Nature and location of the services to be performed.
 - (c) The expected duration of the services.
 - (d) The number of officers requested.
4. The Chief of Police or designee may require an adequate number of officers to handle any services.
5. The application must be signed by the entity requesting the services.
6. Upon approval, the entity requesting service shall sign a written contract with the City before any services will be provided. The contract shall include:
 - (a) A fee schedule specifying the charges for the services, including any administrative or other fees.
 - (b) A specification of the NPD equipment to be provided.
 - (c) The form and method of payment.
 - (d) Any provisions regarding termination of the contract.
 - (e) A provision for indemnification of the City.
 - (f) Any other terms of the contract.
7. The Chief of Police will assign a member of the Nixa Police Department to coordinate the Contracted Police Services Program who shall ensure that all officers interested in participating in the program are provided an equal opportunity for assignment through a rotating list or other mechanism to ensure fairness in assignments.
8. Assignments may be filled based on any relevant factors, including input from the contracting party and the best interest of the Nixa Police Department, as determined by the Chief of Police.
9. Officers shall comply with all Nixa Police Department policies, rules and regulations while engaged in Contracted Police Services.
10. The following limitations apply to an officer's assignment to Contracted Police Services:
 - (a) An officer is not permitted to work more than 24 additional hours of Contracted Police Services per work week without approval by the officer's supervisor.

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- (b) An officer shall not be eligible for Contracted Police Services while on sick leave, disability leave, light duty or within eight (8) hours of any sick or disability leave.
 - (c) If an officer works Contracted Police Services while on scheduled vacation, the officer will be paid at the applicable overtime rate for the Contracted Police Services hours. An officer will not be allowed to begin a work shift, take vacation hours to work Contracted Police Services, then return to complete the remainder of the work shift.
 - (d) An officer shall not be eligible for Contracted Police Services while suspended, relieved of duty, or placed on any form of administrative leave.
 - (e) An officer shall not be eligible for Contracted Police Services until the completion of any probationary period.
- B. Secondary Employment Procedures: **Officers are advised that during any period that they are engaged in Secondary Employment the provisions of the City of Nixa Health Insurance Policy and Worker's Compensation Insurance may not provide coverage for an injury or illness that occurs during those time periods or while performing such duties.**
- 1. All Officers are required to notify the Office of the Chief of Police of all Secondary Employers/jobs via departmental memorandum via the Chain of Command upon accepting (prior to starting) any position.
 - 2. An officer may not use police powers to advance the officer's own private business purpose or that of any Secondary Employer.
 - 3. Nixa Police Department equipment including, but not limited to, firearms, ammunition, radio, baton, taser, handcuffs, badge, identification, uniform, or vehicle shall not be used during Secondary Employment, except as may be necessary in responding to an incident which Nixa Police Department Policy requires a response as a sworn officer of the Nixa Police Department.
 - 4. While performing any Secondary Employment, an officer may not display any emblem, seal, placard or other symbol of the Nixa Police Department or City of Nixa nor may the officer wear or display anything (including clothing, badge, or other item) with the word "Police" or "NPD" or any other variation or display indicating their status as a Police Officer.
 - (a) An officer must be alert and able to perform their duties for the Nixa Police Department during their shift and during other assigned times therefore, officers are encouraged not to work more than 24 hours of Secondary Employment per week.
 - (b) An officer will not reference his association with the Nixa Police Department in the course of promoting his Secondary Employment duties.
 - (c) An officer may not exercise any police authority at any time, including while engaged in Secondary Employment, while the officer's police powers are suspended.

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- (d) An officer will not use any confidential information gained through City employment for the financial gain of the officer or his Secondary Employer.
- (e) An officer may not accept or solicit referrals for Secondary Employment while on duty.
- (f) If, during an officer's Secondary Employment the officer determines that an offense report should be initiated, the officer must call the Nixa Police Department, or appropriate law enforcement agency to take the report and initiate an investigation. This policy is not intended to prohibit an officer who witnesses the commission of a crime from taking immediate and appropriate police action. However, once the situation is under control, the officer will call the Nixa Police Department or appropriate law enforcement agency, as described above.
- (g) If, at any time during Secondary Employment, the officer exercises his/her police powers, the officer shall report the incident in writing to his/her Bureau Commander during their next scheduled shift or within 24 hours after the incident, whichever time period is shorter. Once reported, the Bureau Commander shall report the incident to the Chief of Police who will decide as to the characterization of the incident for payroll purposes.

During a period in which it is determined that an officer in fact duly exercised their police powers, that period of time in which they exercised their police powers may be considered time worked for the Nixa Police Department and not considered Secondary Employment.
- (h) An officer engaging in Secondary Employment shall not:
 - 1. Engage in any activity that violates any applicable law, including applicable ordinances;
 - 2. Engage in conduct that violates a policy of the City of Nixa or the Nixa Police Department;
 - 3. Engage in conduct that creates an actual or perceived conflict of interest with the City of Nixa or the Nixa Police Department (including, but not limited to, working in an establishment primarily engaged in the sale of alcohol, for a private club as a bouncer or in a similar role, as a body guard, for an adult entertainment or "escort" service, as security for a labor union or business during a labor dispute);
 - 4. Engage in conduct that casts an actual or perceived negative perception of the City of Nixa or the Nixa Police Department;
 - 5. Engage in conduct that conflicts with the officer's official police duties or that reflects negatively on the officer's or NPD's reputation; or
 - 6. Engage in Outside Employment that requires or may require an officer's services during the actual hours for which the officer is

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scheduled to work for the Nixa Police Department, or while on approved sick leave or disability leave.

- (i) For the purposes of this policy fulfillment of military obligations does not constitute Secondary Employment and is exempt from the requirements of this policy.
- (j) “Contracted Police Services” are not considered “Secondary Employment” under this policy. **Officers are not permitted to engage in any Secondary Employment while dressed in a Nixa Police Department uniform or any part thereof.**

1015.5 ATTACHMENTS

[See attachment: Contract 2022.pdf](#)

Occupational Disease and Work-Related Injury and Death Reporting

1016.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases and work-related injuries and deaths.

1016.1.1 DEFINITIONS

Definitions related to this policy include:

Accident - An unexpected traumatic event identifiable by time and place of occurrence producing objective symptoms of an injury caused by a specific event during a single work shift (§ 287.020, RSMo).

Injury - An injury that has arisen out of and in the course of employment. This may include an injury by accident if the accident was the prevailing factor in causing both the resulting medical condition and disability (§ 287.020, RSMo).

Occupational disease - An identifiable disease arising with or without human fault out of and in the course of employment (§ 287.067, RSMo).

1016.2 POLICY

The Nixa Police Department will address occupational diseases and work-related injuries and deaths appropriately, and will comply with applicable state workers' compensation requirements (§ 287.380, RSMo).

1016.3 RESPONSIBILITIES

1016.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate.

1016.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related Citywide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification policy and City of Nixa Employee Handbook guidance apply and take additional action as required.

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Occupational Disease and Work-Related Injury and Death Reporting

1016.3.3 BUREAU COMMANDER RESPONSIBILITIES

The Bureau Commander who receives a report of an occupational disease or work-related injury or death 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 Support Bureau Commander.

1016.3.4 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police shall review and forward copies of the report to the Human Resources Department. Copies of the report and related documents shall be filed in the member's confidential medical file.

1016.4 OTHER DISEASE OR INJURY

Diseases 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 Bureau Commander through the chain of command and a copy sent to the Support Bureau 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.

1016.5 SETTLEMENT OFFERS

When a member sustains an occupational disease 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.

1016.5.1 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 disease 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 disease or injury, and to protect the City's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

Nepotism and Employment Conflicts

1017.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure effective supervision, safety, security, performance, assignments and discipline while maintaining positive morale by avoiding actual or perceived favoritism, discrimination or other actual or potential conflicts of interest by or between employees of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1017.1.1 DEFINITIONS

Definitions related to this policy include:

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction where the employee's annual interest, compensation, investment or obligation is greater than \$2,500.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that an employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee who is vested with authority by law, rule or regulation, or to whom authority has been delegated.

Relative - For the purpose of this policy, as any relative within the fourth degree, either by blood relationship or marriage. For the purposes of this policy, step and in-law relations are considered equivalent to full blood relations.

- (a) First degree – child, parents, spouse
- (b) Second degree – grandchild, brother/sister, grandparents
- (c) Third degree - great grandchild, niece/nephew, aunt/uncle, great grandparents
- (d) Fourth Degree – great-great grandchild, grandniece/nephew, first cousin, great aunt/uncle, great-great grandparent

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

Nepotism and Employment Conflicts

1017.2 RESTRICTED DUTIES AND ASSIGNMENTS

While the Department will not prohibit personal or business relationships between employees, the following restrictions shall apply:

- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee 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 involving the involved employee to an uninvolved supervisor.
 - 2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department reserves the right to transfer or reassign any employee to another position within the same classification as it may deem necessary in order to avoid conflicts with any provision of this policy.
- (b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
- (c) Whenever reasonably possible, Field Training Officers (FTOs) and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
- (d) To avoid actual or perceived conflicts of interest, employees of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of, or as a direct result of, any official contact.
- (e) Except as required in the performance of official duties or in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, or is a convicted felon, parolee, fugitive, registered offender or who engages in intentional violations of state or federal laws.

1017.2.1 EMPLOYEE RESPONSIBILITIES

All employees are required to adhere to state guidelines and to disclose conflicts of interest as required by law (Mo Const. Art. VII § 6).

Prior to entering into any personal or business relationship or other circumstance that the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Nepotism and Employment Conflicts

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide other official information or services to any relative or other individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved immediate supervisor.

In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify the Communications Center to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

1017.2.2 SUPERVISOR RESPONSIBILITIES

Upon being notified of or 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 mitigate or avoid such violations whenever reasonably 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.

Personal Appearance Standards

1018.1 PURPOSE AND SCOPE

To project uniformity and neutrality toward the public and other members of the Department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

1018.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

1018.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male licensed officers, hair must not extend below the top edge of the uniform collar while assuming a normal stance. Eccentric haircuts and eccentric hair colors are prohibited.

For female licensed officers, hair must be no longer than the horizontal level of the bottom of the uniform shoulder patch when the employee is standing erect, and worn up or in a tightly wrapped braid or ponytail. Hair clips, pins and ponytail holders must be black or brown in color. Eccentric haircuts and eccentric colors are prohibited.

1018.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip. Eccentric styles and eccentric colors are prohibited.

1018.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat. The sideburn may be up to 1" wide and must be the same width throughout. Eccentric styles and eccentric colors are prohibited.

1018.2.4 FACIAL HAIR

Groomed and maintained beards and goatees are allowed, The beard or goatee may not be more than 1/4" in length and no portion may be longer than the rest. The neck area must be clean shaven. All beards and goatees must be worn with a mustache. Eccentric styles and eccentric colors are prohibited.

1018.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

Personal Appearance Standards

1018.2.6 JEWELRY AND ACCESSORIES

No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except the following:

- (a) Wrist watch- no eccentric styles or colors
- (b) Rings of tasteful design- maximum of one ring/set may be worn on each hand
- (c) Medical alert bracelet
- (d) Jewelry worn around the neck- must not be visible above the shirt collar

Earrings shall not be worn by uniformed licensed officers, investigators or special assignment personnel without permission of the Chief of Police or the authorized designee. Other items may be authorized to be worn by the Chief of Police or his designee.

1018.3 TATTOOS

While on duty, or representing the department in an official capacity, no tattoos shall be visible above the collar or on the hands. Any tattoos that are sexually explicit, contain nudity, obscene material, ethnic slurs, gang symbols, promote discrimination or endorse criminal activity must be covered at all times during work hours. The Chief of Police will make final determination of any tattoos in question.

1018.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body that is visible in any authorized uniform or attire, and is a deviation from normal anatomical features and that is not medically required is prohibited. Such body alteration includes, but is not limited to, the following:

- (a) Tongue splitting or piercing
- (b) The complete or transdermal implantation of any material other than hair replacement or breast augmentation
- (c) Abnormal shaping of the ears, eyes, nose or teeth
- (d) Branding or scarification

Police Uniform Regulations

1019.1 PURPOSE AND SCOPE

The uniform policy of the Nixa Police Department is established to ensure that uniformed officers, special assignment personnel and civilian employees will be readily identifiable to the public through the proper use and wearing of department uniforms.

[See attachment: General Order 20-06.pdf](#)

Employees should also refer to the following policies:

- Firearms
- Department-Owned and Personal Property
- Body Armor
- Personal Appearance Standards

The uniform and equipment specifications manual is maintained and periodically updated by the Chief of Police or the authorized designee. The manual should be consulted regarding equipment and uniform specifications.

The Nixa Police Department will provide uniforms for all employees who are required to wear them.

1019.2 DEPARTMENT OWNED UNIFORMS AND EQUIPMENT

Ownership and title to all issued uniforms and equipment are vested in the city. Equipment and uniforms shall be replaced on an as-needed basis. No item of uniform or equipment shall be transferred or exchanged by any department personnel without supervisor approval. It shall be the duty of each employee of the department to produce any article issued to him/her upon the demand of a supervisor.

When an employee vacates his/her position, all issued uniforms and equipment shall be surrendered to the department.

1019.3 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose, which is to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

- (a) Uniform 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) All officers of this department shall possess and maintain at all times a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Personnel shall wear only the uniform specified for their rank and assignment.

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Police Uniform Regulations

- (d) Employees shall not loan any portion of the uniform to others without supervisor approval.
- (e) Employees shall not permit the uniform to be reproduced or duplicated.
- (f) The uniform is to be worn in compliance with the specifications set forth in this policy and the specifications manual.
- (g) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
- (h) Unapproved civilian attire shall not be worn in combination with any distinguishable part of the uniform.
- (i) Uniforms are only to be worn while on duty, while in transit to or from work, for court, at other official department functions or events or when the Chief of Police authorizes the uniform to be worn.
- (j) Employees are not to purchase or drink alcoholic beverages while wearing the department uniform.
- (k) Mirrored, eccentric styled or colored eyewear or sunglasses will not be worn with any department uniform.

1019.3.1 DEPARTMENT-ISSUED IDENTIFICATION

The Department issues each employee an official Department Identification Card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department-issued identification card at all times while on-duty or when carrying a duty firearm.

- (a) Whenever on-duty or acting in an official capacity representing the Department, employees shall display their department-issued identification in a courteous manner to any person upon request and as soon as practicable.
- (b) Officers working specialized assignments may be excused from the requirements regarding the possession and display of identification when directed by their Bureau Commander.

1019.4 UNIFORM CLASSES

The various uniform specification classes are those identified in this policy.

1019.4.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions, such as funeral attendance, graduations, ceremonies or as directed. The Class A uniform is required for all licensed personnel. The Class A uniform will consist of the following:

- (a) Long-sleeve uniform shirt buttoned at the neck.
- (b) Uniform pants with or without hidden cargo pockets.
 - 1. Uniform pants without hidden cargo pockets will be phased out starting 08/14/2019.
- (c) Clip-on uniform tie tucked into shirt between the second and third button.

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Police Uniform Regulations

- (d) Proper rank markings, and insignia.
- (e) Nameplate.
- (f) Department issued breast badge.
- (g) Collar brass.
- (h) Duty gear.
- (i) Shinned footwear described in the section of this policy titled "Footwear."
- (j) External suspenders are not allowed.

The Class A Dress uniform will be authorized to be worn by the Chief of Police. The Class A Dress uniform will consist of the following:

- (a) Uniform dress jacket with proper rank markings and insignia.
- (b) The nameplate is worn on the jacket.
- (c) Department issued badge.
- (d) Uniform pants.
- (e) Long sleeve white button-down uniform shirt with patches.
- (f) Uniform tie.
- (g) High shine footwear as described in the section of this policy titled "Footwear".
- (h) Black leather belt.
- (i) Black holster.

The Class A Funeral uniform will be authorized by the Chief of Police and commonly worn when participating in a funeral. The Class A Funeral uniform will consist of the following:

- (a) The class A uniform as described above
- (b) White aiguillette cord is worn on the left shoulder
- (c) White stretch nylon gloves worn tucked into the right side of the waistband with the fingers facing outward

The Uniform hat may be worn for events held outdoors.

1019.4.2 CLASS B UNIFORM

All officers will possess and maintain a serviceable Class B uniform at all times. Class B uniforms will be the uniform of the day for officers of the rank of Sergeant and below.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

- (a) The long or short-sleeve shirt may be worn with the collar open. No tie is required.
- (b) A black crew-neck undershirt must be worn with the uniform. Turtleneck and mock turtleneck shirts may be worn under long-sleeve Class B uniforms.
- (c) All shirt buttons must remain buttoned except for the last button at the neck.

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- (d) External suspenders are allowed.

The Uniform hat or other optional headgear except baseball caps may be worn outdoors.

1019.4.3 CLASS C UNIFORM (OPTIONAL)

Class C uniforms include optional Ergonomic Load Bearing Vests. Specialized units may be approved to wear a variant of the Class C uniform by the Chief of Police or designee. Class C uniforms will consist of the following:

- (a) Optional Class A uniform color-matched Pointblank Guardian Model Part number 532968 ergonomic load-bearing vest.
- (b) Optional Class A uniform color-matched Horace Small Pro-Ops Uniform Base Layer with at least shoulder patches and proper rank markings and insignia.
 - 1. Class A uniform shirts may be utilized with at least shoulder patches and proper rank markings and insignia.
- (c) Class A Uniform pants with or without hidden cargo pockets.
- (d) A black crew-neck undershirt must be worn with the uniform. Turtleneck and mock turtleneck shirts may be worn under long-sleeve Class C uniforms.
- (e) The uniform base layer and uniform shirt must remain buttoned except for the last button at the neck.
- (f) An authorized cloth replica badge must be worn with a Velcro backing. Non-reflective white on class B color-matched sewn-on Velcro backed nameplate with 5/8 inch block letters. Non-reflective 11" X 3" white on class B color-matched Velcro POLICE back patch, which must be attached to the Ergonomic Load Bearing Vest.
- (g) A maximum of four items of approved patrol duty gear may be worn on the vest in department-approved Class A uniform color-matched MOLLE pouches.
- (h) The duty pistol shall not be worn on the vest.
- (i) Collar brass will not be worn while wearing the vest unless during an emergency.
- (j) Shinned footwear described in the section of this policy titled "Footwear."
- (k) Optional headgear is approved with this uniform.
- (l) Baseball caps are not allowed.

1019.4.4 CLASS D FIELD CASUAL ATTIRE

The Class D uniform may be established to allow field personnel cooler clothing during the summer months or for special duty assignments and/or shifts as approved by the Chief of Police or his/her designee. The Class D Field Casual Uniform may consist of the following:

- (a) Nixa Police Department T-shirts or Nixa Police Department polo shirts
- (b) BDU or six-pocket style pants, slacks, or docker style pants in good condition, with no holes
- (c) Department issued weapon worn in a holster

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- (d) Department issued badge
- (e) Shinned footwear described in the section of this policy titled "Footwear."
- (f) Optional headgear is allowed
- (g) Uniform hat is not allowed

1019.4.5 OUTERWEAR

The following is a list of approved outerwear:

1. Uniform winter coat
2. Hi-Vis parka
3. Rain coat
4. Traffic vest
5. External Body armor carrier
 1. With "POLICE" on front and back
6. Gloves (optional)
 1. Black in color
 2. Leather or other manmade material
 3. Not fingerless or weighted
 4. No logos, designs, or wording
7. Overshoes (optional)
 1. Black in color
8. Head gear
 1. Uniform hat with or without rain cover
 2. Baseball cap (optional)
 - (a) Plain Black
 - (b) Fitted or adjustable
 - (c) No logos, designs, or wording
 - (d) various materials with or without mesh sides or back
 - (e) No eccentric styles (ie flat bills)
 3. Cold weather cap/beanie, earmuffs, headbands (optional)
 - (a) Plain black
 - (b) No overt logos
 - (c) with or without POLICE in white lettering on front
9. Other jackets and coats as approved by the Chief of Police

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1019.4.6 DUTY BELT AND UNIFORM ACCESSORIES

Duty gear shall consist of the following:

- (a) Administrative duty gear- Administrative staff who elect to wear a Class A, B, or C uniform will wear at minimum the following duty gear:
 - 1. Duty belt
 - 2. Innerbelt
 - 3. Holster
 - 4. Handcuffs in a case
 - 5. Two pistol magazines in a case
 - 6. At least one less-lethal option (ie OC spray, baton, CEW)
 - 7. Belt keepers
- (b) Patrol duty gear- Patrol officers in Class A, B or C uniform will wear at minimum the following duty gear:
 - 1. Duty belt
 - 2. Innerbelt
 - 3. Holster
 - 4. Handcuffs in case
 - 5. Two pistol magazines in a case
 - 6. Baton in a case
 - 7. OC spray in a case
 - 8. Portable radio with or without a case
 - 9. Camera system microphone (when applicable)
 - 10. Belt keepers

In addition to the above duty gear officers may also wear the following:

- (a) Second set of handcuffs in a case
- (b) Flashlight in a holder
- (c) Glove pouch
- (d) CEW in a holster
- (e) Lapel microphone
- (f) Earpiece

The following is a list of approved Optional uniform and duty belt accessories:

- (a) Keyring holder
 - 1. Black in color

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- (b) Cell phone in a holder
 - 1. Cell case and holder may not be eccentric in style or color
- (c) Internal or external duty belt suspenders
 - 1. Black in color
- (d) Tourniquet in a case
 - 1. The case must be black in color

1019.4.7 FOOTWEAR

Footwear for Class A, B, C and D uniforms will conform to the following criteria:

- (a) Black in color
- (b) Plain rounded or square toe
- (c) All leather (smooth finish) or leather (smooth finish) with nylon or other manmade material upper
- (d) lace-up, zip up, or slip-on
- (e) Footwear for Class A Dress will be lace-up with a high gloss finish.
- (f) Socks must be black in color and cover the exposed skin of the legs when in a seated position. Ankle socks are approved for uniforms which allow shorts (ie bike patrol)

Footwear for specialized units may vary in color, material and finish with the approval of the unit commander.

1019.5 INSIGNIA AND PATCHES

- (a) The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, 1/2 inch below the shoulder seam of the shirt, and should be bisected by the crease in the sleeve.
- (b) Service stripes and other indicators for length of service will be determined by continuous service at the Nixa Police Department with no break in service. One service stripe for each 5 years of continuous service may be worn on long-sleeve shirts. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn 1 1/2 inch above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.
- (c) The regulation nameplate, or an authorized sewn-on cloth nameplate, shall be worn at all times while in A, B, and C uniforms. The nameplate shall display the employee's last name. If employees share the same last name, then the initial of the first name will accompany the last name. If the employee desires to use another name other than their legal name, the employee must receive approval from the Chief of Police. The location of the uniform nameplate will be centered over the right pocket with the posts touching the top edge of the pocket.
- (d) Collar brass will be worn on Class A and Class B uniforms. Collar brass is not required on the Class A Dress shirt or on the Class C shirt. Collar insignia shall be worn

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centered on the line bisecting the collar, low enough for the insignia to be at the stitched lines of the collar.

- (e) Assignment insignias and other pins, (e.g., SWAT and DARE) may be worn as designated by the Chief of Police or the authorized designee. The manner and location of unit pins will be centered 1/2 inch above the nameplate/tape. Only one unit pin may be worn at a time. Only active members of a unit may wear unit pins. Field training officer stripes (private stripes) will be worn on all class A, B and C uniforms 1/2 inch below the shoulder patch.
- (f) The department-issued badge, an authorized sewn-on or cloth replica, must be worn at all times while in uniform. Badges will be worn centered over the left breast pocket of the uniform. Licensed non-uniformed personnel will wear or carry the badge so it is in reasonable proximity to openly displayed firearm.
- (g) The designated insignia indicating the employee's rank must be worn at all times while in A, B, and C uniforms. The manner and location are as follows:
 - 1. Corporals and Sergeants rank insignia on both sleeves with the top edge of the insignia 1/2" below the shoulder patch and centered on the outside of the sleeve.
 - 2. Lieutenant and above rank insignia worn centered on the "X" thread lines of the shoulder epaulets.
 - (a) Lieutenant - Gold single bar
 - (b) Captain - Gold double bar
 - (c) Major - Gold, oak leaf cluster
 - (d) Chief - Gold eagle
- (h) The miniature shoulder patch is a smaller version of the current shoulder patch. It may be embroidered or sewn into various articles of clothing as identification of police personnel. The miniature shoulder patch may only be worn with the authorization of the Chief of Police or his designee.

1019.5.1 MOURNING BADGE BAND

Uniformed employees may wear a black mourning band across the uniform badge whenever a peace officer is killed in the line of duty. The following mourning periods will be observed:

- (a) An officer of this department - From the time of death until midnight on the 14th day after the death.
- (b) A peace officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of a fallen peace officer.
- (d) National Peace Officers Memorial Day (May 15) - From 0001 hours until 2359 hours.
- (e) As directed by the Chief of Police or the authorized designee.

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1019.6 CIVILIAN ATTIRE

There are assignments within the Department that do not require wearing a uniform because recognition and authority are not essential to their function. There are also assignments in which wearing civilian attire is necessary.

- (a) All employees shall wear clothing that fits properly, is clean and free of stains and not damaged or excessively worn.
- (b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button-style shirts with a collar, polo shirts, BDU pants, slacks or suits that are moderate in style.
- (c) All female administrative, investigative and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, sweaters, polo shirts, BDU pants, blouses or suits that are moderate in style.
- (d) The following items shall not be worn on-duty:
 - 1. T-shirt alone
 - 2. Open-toed sandals or thongs
 - 3. Swimsuit, tube tops or halter tops
 - 4. Spandex type pants or see-through clothing
 - 5. Distasteful printed slogans, buttons or pins
 - 6. Denim pants of any color
 - 7. Shorts
 - 8. Sweatshirts, sweatpants or similar exercise clothing
 - 9. Tennis shoes
- (e) Variations from this order are allowed at the discretion of the Chief of Police or the authorized designee when the employee's assignment or current task is not conducive to wearing such clothing.
- (f) No item of civilian attire may be worn on-duty that would adversely affect the reputation of the Nixa Police Department or the morale of the employees.
- (g) Licensed employees carrying firearms while wearing civilian attire may wear clothing that effectively conceals the firearm when outside a controlled law enforcement facility or work area. If the firearm is visible, a department badge should be worn in close proximity to the firearm.

1019.7 POLITICAL ACTIVITIES, ENDORSEMENTS, ADVERTISEMENTS OR OTHER APPEARANCES IN UNIFORM

Unless specifically authorized by the Chief of Police, Nixa Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published or displayed, the image of another employee, or identify him/herself as an employee of the Nixa Police Department to:

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- (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, public broadcast, or on any website

1019.8 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT

- (a) Any of the items listed in this policy as optional shall be purchased at the expense of the employee. No part of the purchase cost shall be offset by the Department.
- (b) Maintenance of optional items shall be the financial responsibility of the purchasing employee (e.g., repairs due to normal wear and tear).
- (c) Replacement of items listed in this order as optional shall be done as follows:
 - 1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
 - 2. When the item is no longer functional because of damage in the course of the employee's duties, it may be replaced following the procedures for the replacement of damaged personal property outlined in the Department-Owned and Personal Property Policy.

1019.9 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Nixa Police Department employees must get approval to wear any uniform item, accessory or attachment not specifically authorized in this policy manual from the Chief of Police or the authorized designee.

Nixa Police Department employees must get approval to use or carry any tool or other pieces of equipment not specifically authorized in this policy manual from the Chief of Police or the authorized designee.

1019.10 SPECIALIZED UNITS

Because of the various duties and nature of work performed by specialized units, alternate uniforms and equipment are often required. Uniform and equipment requirements will be authorized by the unit commander with the approval of the Chief of Police or his designee.

Department Badges

1020.1 PURPOSE AND SCOPE

The Nixa Police Department badge and uniform patch as well as the likeness of these items and the name of the Nixa Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1020.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority. The use and display of department badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

1020.2.1 FLAT BADGE

Licensed officers, with the written approval of the Chief of Police or the authorized designee, may purchase at their own expense a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of department policy as the uniform badge.

- (a) An officer may sell, exchange or transfer the flat badge he/she purchased to another officer within the Nixa Police Department with the written approval of the Chief of Police or the authorized designee.
- (b) Should the flat badge become lost, damaged or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Department-Owned and Personal Property Policy.
- (c) An honorably retired officer may keep his/her flat badge upon retirement.
- (d) The purchase, carrying or display of a flat badge is not authorized for civilian personnel.

1020.2.2 CIVILIAN PERSONNEL

Badges and Department Identification Cards issued to civilian personnel shall be clearly marked to reflect the position of the assigned employee (e.g., parking control, dispatcher).

- (a) Civilian personnel shall not display any department badge except as a part of his/her uniform, while on-duty or otherwise acting in an official and authorized capacity.
- (b) Civilian personnel shall not display any department badge or represent him/herself, on- or off-duty, in such a manner which would cause a reasonable person to believe that he/she is a licensed peace officer.

1020.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may purchase their assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia, as other uses of the badge may be unlawful or in violation of this policy.

Department Badges

1020.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all licensed employees and civilian uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda and electronic communications, such as electronic mail or websites and web pages.

The use of the badge, uniform patch and department name for all material (e.g., printed matter, products or other items) developed for department use shall be subject to approval by the Chief of Police or the authorized designee.

Employees shall not loan the badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1020.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the express authorization of the Chief of Police or the authorized designee and shall be subject to the following:

- (a) The employee associations may use the likeness of the department badge for merchandise and official association business, provided it is used in a clear representation of the association and not the Nixa Police Department. The following modifications shall be included:
 - 1. The text on the upper and lower ribbons is replaced with the name of the employee association.
 - 2. The badge number portion displays the acronym of the employee association.
- (b) The likeness of the department badge for endorsement of political candidates shall not be used without the express approval of the Chief of Police or the authorized designee.

Temporary Modified-Duty Assignments

1021.1 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 memorandums of understanding or 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.

1021.2 POLICY

Subject to operational considerations, the City of Nixa 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 City with a productive employee during the temporary period.

1021.3 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) or the Missouri Human Rights Act shall be treated equally, without regard to any preference for a work-related injury (§ 213.010, RSMo et seq.).

No position 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 City of Nixa. 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

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1021.4 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 supervisor or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

- (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.

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- (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.

1021.5 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 supervisor.

1021.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be 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 that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

1021.6 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.

1021.7 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.

1021.7.1 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

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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.

1021.8 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.

1021.9 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.

Employee Speech, Expression and Social Networking

1022.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balance of employee speech and expression with the legitimate needs of the Department.

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 or privileged under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1022.1.1 APPLICABILITY

This policy applies to all forms of communication including, but not limited to film, video, print media or public speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, wikis, video and other file sharing sites.

1022.2 POLICY

Because public employees occupy a trusted position in the community, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Nixa Police Department will carefully balance the individual employee's rights against the organization's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

1022.3 SAFETY

Employees 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 Nixa Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be expected to compromise the safety of any employee, an employee's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

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- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be routinely located off-duty.

1022.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, 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 Nixa Police Department or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Nixa Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Nixa Police Department or its employees. Examples may include:
 1. Statements that indicate disregard for the law or the state or U.S. Constitution.
 2. Expression that demonstrates support for criminal activity.
 3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as creating a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as creating a negative impact on the safety of the employees of the Department. For example, 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 Nixa Police Department.
- (f) Disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment 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 Nixa Police

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Department that could not be obtained and used by a member of the general public on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

- (h) Accessing websites for unauthorized purposes or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:
 - 1. When brief personal communications may be warranted by the circumstances (e.g., informing family of extended hours).
 - 2. During authorized breaks such usage should be limited as much as practicable to areas out of the sight of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy and/or posted by others from any web page or website maintained by the employee (e.g., social or personal website).

1022.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

Officers are not prohibited from engaging in political activity while off-duty and not in uniform, being a candidate for elected or appointed public office, or holding such office unless such political activity or candidacy is otherwise prohibited by state or federal law (§ 67.145, RSMo).

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the Nixa Police Department or identify themselves in any way that could be reasonably perceived as representing the Nixa Police 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, public broadcast or any website

Additionally, when it can reasonably be construed that an employee acting in his/her individual capacity or through an outside group or organization (e.g., bargaining group) is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Nixa Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend

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or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1022.5 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 City of Nixa Employee Handbook for additional guidance).

1022.6 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 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.

1022.7 TRAINING

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

Line-of-Duty Deaths

1023.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Nixa 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.

1023.1.1 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.

1023.2 POLICY

It is the policy of the Nixa 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.

1023.3 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 Supervisor.
- (b) Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others.
- (c) The Shift Supervisor should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.
- (d) If the member has been transported to the hospital, the Shift Supervisor or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.
- (e) 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.

Line-of-Duty Deaths

(see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

1023.4 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 Supervisor or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department Chaplain.

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 and 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.
- (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.

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- (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 Nixa Police Department members may be apprised that survivor notifications are complete.

1023.4.1 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.

1023.5 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.

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1023.6 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, may include, 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.

1023.6.1 DEPARTMENT LIAISON

The Department Liaison should be a Bureau 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.

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- (h) Coordinating security checks of the member's residence as necessary and reasonable.
- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1023.6.2 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 Nixa 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.

1023.6.3 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.

Line-of-Duty Deaths

The Survivor Support Liaison should be selected by the deceased member's Bureau Commander. The following should be considered when selecting the Survivor Support Liaison:

- 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).

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- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal and administrative investigations.
- (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.

1023.6.4 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.

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- (d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available CISM and counseling services and assisting with arrangements as needed.
- (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.

1023.6.5 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.

1023.6.6 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 Nixa Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform his/her duties in accordance with the Mutual Aid and Outside Agency Assistance Policy.

Line-of-Duty Deaths

1023.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and 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 Work-Related Injury and Illness Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:
 - 1. Public Safety Officers' Benefits (PSOB) Programs.
 - 2. Public Safety Officers' Educational Assistance (PSOEA) Program.
 - 3. Social Security Administration.
 - 4. Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits.
 - 1. Line-of-duty compensation (§ 287.243, RSMo)
 - 2. Death and burial benefits (§ 287.240, RSMo)
 - 3. Benefits available under the Police Relief and Pension System (§ 86.010 et seq., RSMo)
- (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.

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1023.6.8 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.

1023.7 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.

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.

1023.8 DEPARTMENT CHAPLAIN

The Department chaplain may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

1023.9 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.

1023.10 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.

1023.11 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.

Military Leave of Absence

1024.1 POLICY

The Nixa Police Department hereby establishes the following procedures for uniform accounting of military leave.

1024.2 DEFINITIONS

Military Service - Shall include the Army, Navy, Air Force, Marine Corps, Coast Guard and the United States Public Health Service, as well as all auxiliary branches of the said services as civilian employees of the services.

National Emergency - shall exist during such period as designated by the President or Congress.

1024.3 PROCEDURE

1. Entitlement

1. Military Leave of Absence

- (a) An employee entering or serving on active military service of the United States is under the protection granted by the Uniformed Service Employment and Reemployment Rights Act (USERRA). They shall be granted a leave of absence without pay to cover the period of military service.
- (b) An employee is required to give advance notice (either written or verbal) of military service.
- (c) Employees will report intention to return to employment within the following limits: 1-30 days of service will report back on next full scheduled work day (after 8 hours rest and safe travel time to residence, 31-180 days of service within 14 days of completion of service, over 180 days within 90 days after release from active duty. Employee must provide proof of honorable release from the military.
- (d) If an employee applies for reemployment within the time allowed they will be reinstated in the same (if under 90 days service) or substantially similar position (if over 90 days service); unless no longer qualified for the position.

2. Military Training Leave

- (a) Employees will be granted leave with pay, not to exceed a total of 120 hours in any federal fiscal year in accordance with State Statute 105.270..
- (b) The employee may choose but is not required to use accumulated vacation time before going on leave of absence without pay.
- (c) Employees are to furnish the city with a copy of their official orders or proof of service to receive paid military leave or approved unpaid leave of absence status.

3. Requesting Military Leave

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Military Leave of Absence

- (a) Except under exigent circumstances request for leave must be filed 30 days prior to the leave date.

Attachments

General Order 21-01.pdf



Nixa Police Department

P.O. Box 395 / 715 W. Center Circle
Nixa, Missouri 65714

Emergency: 911 / Office: 417-725-2510 / Fax: 417-725-0915
www.nixapolice.com



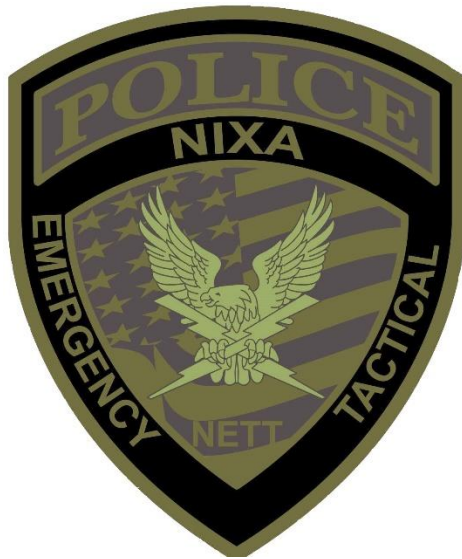
To: NPD-ALL
From: Major Tennis
cc: Chief Campbell
Date: 01/28/2021
Re: General Order 21-01

The purpose of this General order is to implement the Lexipol Updates to include the updates required in our policies due to our move from three Divisions to two Bureaus. This will cause the re-deployment of our entire manual and will include an updated issued date in 2021. Because of our large number of policies these updates will be pushed out periodically over the next few months. All members are encouraged to utilize the compare content view or similar to see any applicable changes during acknowledgment.

This general order will only be attached to Policy #102 and will apply to our entire manual with an issued date in 2021 until final approval by City Council.

Administrative Procedures.pdf

**Nixa Emergency Tactical Team
NETT**



**404.3.2 Administrative Procedures
Issued 05/15/2020**

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404.3.2 ADMINISTRATIVE PROCEDURES

This department shall develop a separate written set of organizational procedures that should address, at minimum, the following:

- a) Locally identified specific missions the team is capable of performing

See Nixa Emergency Tactical Team Policy Section: APPROPRIATE SITUATIONS FOR USE OF A NIXA EMERGENCY TACTICAL TEAM

- b) Team organization and function

Nixa Emergency Tactical Team (NETT)	
NETT Commander	
SWAT	CRISIS NEGOTIATIONS (CNT)
SWAT Team Leader	CNT Team Leader
Assistant SWAT Team Leader	CNT Negotiator(s)
SWAT Operators	CNT Support

- c) Personnel selection and retention criteria

The Nixa Emergency Tactical Team will select its personnel through a fair objective process. When a job posting is made, applicants who meet the following criteria may apply:

- Minimum one consecutive year of full-time service immediately prior to the last day of the job posting with the Nixa Police Department, and not be on probation in the field training program or on disciplinary probation.

Interested licensed personnel, shall submit a request to their appropriate Division Commander. A copy will be forwarded to the Team Leader.

A list of successful applicants shall be forwarded to the Team Commander for final selection.

SWAT selection will consist of several stages such as physical agility, marksmanship and an oral interview. Process results and appointment will be consistent with our promotional specifications although selection for the Nixa Emergency Tactical Team is considered an assignment.

For SWAT selection a NETT Testing packet is stored on the departments server in a secure NETT Admin folder only accessible to Team leadership.

For CNT selection See Nixa Emergency Tactical Team Policy Section: SELECTION OF PERSONNEL

PROBATIONARY STATUS:

Once selected for an opening on the Team, the candidate is on probationary status for six months. The probationary period starts at selection. At any time during the probationary period the candidate may be dismissed from the team without cause.

DISMISSAL:

All SWAT Team members must maintain adequate levels of performance. All SWAT Team members must also maintain the minimum level of physical fitness of 46 points on a bi-annual test. Team members must qualify quarterly with their primary and secondary weapons with a minimum score of 96 percent. Failure to maintain adequate levels of performance or physical fitness are grounds for dismissal from the team. Also, any team member may be dismissed when in the best interest of the team.

The procedure when a team member fails a performance skill level is immediate remedial training followed by a retest. Failure to pass the retest will result in the team member being placed in a non-deployable status. Within 30 days the member must pass a retest. Failure to take or pass a retest within 30 days will result in immediate dismissal from the team.

Any team member who is placed in a non-deployable status twice in a one-year period, starting with the date of the first period of non-deployable status, will be reviewed by the team leadership for dismissal.

Physical fitness tests will be conducted quarterly, the tests will be conducted by a team leader and will have a minimum of three team members present, a leader conducting the test, a scorer, and the member taking the test. Team members must participate in all physical fitness tests. Failure to take a test within 30 days will result in the member being placed in a non-deployable status for the period of 30 days.

Failure to take or pass the second and fourth quarter physical fitness test will result in the member being placed in a non-deployable status for the period of 30 days. If a team member fails to take a test due to an approved absence, the member must pass a retest within 30 days. Failure to take or pass a retest within 30 days will result in immediate dismissal from the team.

Any team member who fails to adequately maintain assigned equipment may be dismissed from the team. Any team member who loses team equipment, through negligence, will be required to replace the equipment and may be dismissed from the team. If the lost equipment is sensitive in nature, such as weapons, explosives, NFDD's or any items that can cause injury, the team member shall be dismissed from the team.

Any team member may voluntarily withdraw from the team at any time by giving written notice to the team commander. Team leadership will determine if the member left in good standing.

RESELECTION:

Past SWAT Team members who left the team within the last 12 months in good standing may reapply to SWAT. Preference for filling an existing opening may be given to the past member when team leadership feels it is appropriate. Under these circumstances, past members do not need to go through the applicant process. The past member will be given a physical fitness test and firearms test, which they must pass as an active member, before assignment back on the team. All standards for continued membership on the team then apply.

d) Training and required competencies

The NETT Team Commander will conduct an annual training needs assessment. In an attempt to maximize planning, which in turn should serve to enhance the quality of training, a year-long training plan has been created. This plan was the result of listing the tactical skills and techniques employed in SWAT, both team and individual, determining the desired frequency of each over 12 months and then crafting a calendar to accommodate the training.

The goals of this comprehensive plan are to:

- Assure consistency in training
- Build relevant scenarios
- Attempt to provide the desired frequency of training for critical skills
- Assure all areas are covered during the course of a year
- Provide a schedule which frees training facilitators to concentrate on the content rather than the subject matter

LEVELS OF TRAINING:

There are various stages of training for NETT officers. The initial training of new SWAT officers will consist of 80 hours of training to include a 40-hour basic SWAT school or its equivalent, presented by an outside agency or trainer unless in-house basic SWAT training is available. All NETT officers will then participate in the ongoing training as detailed in the yearlong plan, around approximately ten hours per month. In addition to the monthly training, SWAT should be afforded one week a year or approximately 40 hours to conduct scenario based and other training exercises. Every other calendar year, this training period should be conducted by an outside agency or trainer. When combined with the monthly training time, SWAT should be able to provide approximately 160 hours of training per year. There will be further efforts to send team members to advanced SWAT schools presented by an outside agency or trainer. Other SWAT relevant training schools will be considered on an on-going basis. Team members are encouraged to locate relevant training schools and submit them to the NETT Commander for consideration.

There will be additional training for specialty assignments within NETT. The commander and team leaders will attend additional command, team leader, liability, supervisory and tactical “trainer” courses. Senior officers may also be sent to team leader and tactical “trainer” courses.

Instructors will be selected from within the team and trained as such in a number of areas including but not limited to chemical agents, breaching, active shooter response, less lethal, diversionary devices, Rangemaster, and armorer.

APPLICATION OF PLAN:

It must be remembered that this plan has to remain flexible. Availability of training sites is always a challenge, and this plan adds the requirement of having to find a site on a given day to match the type of training. As a result, there will have to be changes made throughout the year to accommodate availability and unique training opportunities. Team members are encouraged to

locate team training opportunities, events and competitions and submit them to the NETT Commander for participation.

The skills frequencies listed in this cyclic training plan should be viewed as a guide, rather than a prescribed mandatory minimum necessary to be a competent operator. Also, despite the effort that went into its creation, the plan is not all-inclusive. It is hoped that by using this guide throughout the year the above listed goals will be accomplished and overall proficiency will be positively impacted.

MONTHLY SKILLS:

In addition to the skills listed in the annual training schedule, there are a number of skills that should be drilled or exercised as often as possible. It is up to the training facilitator(s) and Team Leaders to make every attempt to include the below-listed skills in every training activity:

- Room entry and exit
- Stealth movement
- Dynamic movement
- Breaching
- Verbal challenges and surrender commands upon initial suspect encounter
- Radio communication following shots fired
- Use of communications gear
- Use of Pole Camera

The following listed skills require appropriate training sites in order to be conducted. As a result, they could not be pre-planned and incorporated into the annual schedule. They should, however, be incorporated into training whenever the opportunity arises:

- Breaching*
- Diversionary devices/chemical agents/smoke
- Window entries
- Window porting
- Ladders over walls
- Ladders into windows/multi-story
- Attic clearing/attic tool

*Should be done on every available opportunity

DOCUMENTATION:

NETT After Action Report: Whenever the team is activated or deployed, the Team Leader or designee will prepare an after-action report. This report will completely describe all aspects and will be submitted to the Chief of Police through the chain of command.

NETT Training Log: The Team Leader or designee will maintain a training log for all scheduled training days and events. This log will contain the date, time, location, and signature of the officers in attendance, instructor, and the subject matter.

Training Outlines: Training will be assigned to at least two team members on a rotating basis. Team members responsible for the day's training shall submit an outline of the day's scheduled activities including time, location, and subject matter to the Team Leader in advance of the scheduled training day.

NETT FILES:

The NETT team keeps files containing call-out and training documentation. Files are kept for every call-out, warrant service and activation. These files contain tactical operation and scouting plans, photos, diagrams, etc. These files are also extremely useful in preparing and planning future events.

Members are strongly encouraged to initiate a file on any location that may require a future NETT response.

ATTENDANCE:

Team members should make every effort to attend training. In the event of a pre-planned absence, notification must be made to the Team Leaders via email.

Any NETT member who misses two days or any portion of two days of scheduled SWAT training without approval within a rolling 12-month period will be reviewed by the team leadership for dismissal.

SCHEDULING:

Team members scheduled for training on their regular workday should adjust their hours to attend training on duty. Schedule adjustments are to be approved by the NETT Commander. Any conflicts should be brought to the attention of the team leadership.

TRAINING NOTICES:

As much advance notice as possible will be given when any deviations occur from the dates set forth in the annual training schedule. Team members responsible for a scheduled training day may send out a reminder in advance of the date. These reminders are required when additional equipment or preparation is needed for unique events.

Training notices are to be sent using any of the following methods:

- City email system
- Group Text initiated by team leadership
- Text Alert (cell phone text message alert system) initiated by Dispatch

TRAINING RULES:

- Training days will be activated by a team page out using the call out checklist. The team leader will determine time of page.
- Each member will arrive in full uniform and gear. Uniform and gear will be worn the entire training day, unless directed otherwise by the team leader.
- The entire time noted on the schedule will be utilized for training.
- On time, all of the time.
- Gear and weapons will be maintained and clean.
- Possess a positive and motivated training attitude.

e) Procedures for activation and deployment

See Nixa Emergency Tactical Team Policy Section: MOBILIZATION OF NIXA EMERGENCY TACTICAL TEAM

f) Command and control issues, including a clearly defined command structure

COMMAND AND CONTROL:

The Nixa Emergency Tactical Team (NETT) believes in and supports the Incident Command System. A qualified officer on-scene of an incident becomes the Incident Commander. The NETT Commander fills the role of Tactical Operations Commander and is responsible for tactical deployment, decision making, and resolution of the incident.

The Incident Commander provides the mission to the NETT Commander. The Incident Commander or his or her designee manages other issues related to the incident. These issues may include providing for outer perimeter personnel, investigations follow-up, media concerns, overall incident planning, logistics, and assisting the NETT Commander with relief and comfort needs for NETT members. The NETT Commander manages all tactical and negotiation portions of the incident. The NETT Commander may at times act as both the Incident Commander and Tactical Commander depending on the size, scope and complexity of the incident and the personnel available.

The Incident Commander may establish an Incident Command Post (CP). The NETT Commander will coordinate the set-up and operation of a Tactical Operations Center (TOC) for storing and documenting information related to the critical incident. The NETT Commander will ensure adequate liaison occurs with the Command Post, the Negotiations Team, and Tactical Team Leaders.

The Nixa Emergency Tactical Team will follow the below command structure: The commander of the NETT shall be selected by the Chief of Police. Under the direction of the Chief of Police or his designee, the Nixa Emergency Tactical Team shall be managed by the appointed NETT commander. The CNT and SWAT team will be supervised by a team leader who has been appointed by the NETT commander. The following represent supervisor responsibilities for the Nixa Emergency Tactical Team:

- The CNT supervisor's primary responsibility is to supervise the operations of the CNT team, to include deployment, training, first-line participation and other duties as directed by the NETT commander.
- The SWAT team supervisor's primary responsibility is to supervise the operations of the SWAT team, which will include deployment, training, first-line participation and other duties as directed by the NETT commander.

g) Multi-agency response

See Nixa Emergency Tactical Team Policy Section: OUTSIDE AGENCY REQUESTS

h) Extra jurisdictional response

In the event the Nixa Emergency Tactical Team needs to be supplemented for an extended event or an event that exceeds its mission capabilities, the initial request for mutual aid assistance will be to the Springfield, Missouri Police Department's Special Response Team.

See Nixa Emergency Tactical Team Policy Section: MULTI JURISDICTIONAL SWAT OPERATIONS

i) Specialized functions and supporting resources

See Nixa Emergency Tactical Team Policy Section: CRISIS NEGOTIATION TEAM

See Nixa Emergency Tactical Team Policy Section: SELECTION OF PERSONNEL

See Nixa Emergency Tactical Team Policy Section: TRAINING OF NEGOTIATORS

General Order 20-05.pdf



Nixa Police Department

P.O. Box 395 / 715 W. Center Circle
Nixa, Missouri 65714

Emergency: 911 / Office: 417-725-2510 / Fax: 417-725-0915
www.nixapolice.com



To: NPD-ALL

From: Chief Campbell

CC: N/A

Date: 04-01-2020

Re: General Order 20-05

The purpose of this General order is to update the Chaplain policy; more specifically, recruitment, selection, appointment, uniforms, meetings and training. Due to the Nixa Police Department currently utilizing other agencies chaplains this policy will remain as a guide of what steps must be completed to start our own chaplain program with no annual or ongoing requirements until the Chief of Police chooses to move forward with implementation of our own chaplain program.

Effective the date of this order the following Nixa Police Policy has been updated and is in full force:

- 332 Chaplains

This general order will be attached to the policy to which it pertains. This general order will be tracked and acknowledged similar to policy revisions within our Nixa Police Department Policy Manual.

**Property and Evidence Packaging
Manual UPDATED March 2021.pdf**



Nixa Police Department

P.O. Box 395 / 715 W. Center Circle

Nixa, Missouri 65714

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Nixa Police Department

Property & Evidence Packaging Manual

Updated March 2021

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Packaging Manual

The department Packaging Manual provides direction for the proper collection, storage, security and disposition of evidence and other property. The Packaging Manual also provides directions for the protection of the chain of custody and those persons authorized to remove and/or destroy property. This document will be attached to the Nixa Police Department Property and Evidence Policy.

These directions should comply with the guidelines established by the Forensic Evidence Handbook made available by the Missouri State Highway Patrol Forensic Laboratory. This handbook can be located on the PD Patrol Forms server.

Definitions

- **Chain of Custody** – The continuity of the custody of evidence from time of original collection to final disposal that may be introduced in a judicial proceeding.
- **Impounding Officer** – The member of the Nixa Police Department who initially receives the evidence and initiates the chain of custody.
- **Evidence** – Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case.
- **Found Property** – Includes property found by an employee or citizen where the owner cannot be readily identified or contacted and has no apparent evidentiary value.
- **Safekeeping** – Property obtained by the Nixa Police Department for safekeeping, such as a firearm, personal property of an arrestee not taken as evidence, and property taken for safekeeping under authority of a law.

Lab Reminders

- If you are submitting an item that may be fingerprinted, package it in a way that protects the fingerprints.
- You must fill out a brief summary on the Lab Analysis Request
- The Officer submitting charges should be the one submitting items to the lab.
- Only one pill per type will be accepted at the lab.
- Separate drugs from paraphernalia before submitting to the lab.
- See APPENDIX C for lab testing options.

DNA Evidence

- DNA should be packaged in a breathable container.
- Each piece of DNA evidence should be packaged separately. (Example: if you collect 3 cigarette butts from a location, package them individually in 3 containers with the locations indicated)
- Be specific in your documentation of where you collect DNA.
- Use Biohazard stickers on anything that has a bodily fluid on it.
- If you are packaging DNA with the intention of being sent to the lab or may be sent to the lab at a later date, document this in your computerized entry.
- Each boxed swab must be separated but may be placed in the same container.
- When completing a Lab Analysis Request, a summary must be completed so that the lab knows if the DNA meets requirements to be placed into CODIS.
- Get a sample from the victim and the suspect if possible.
- Refer to CODIS requirements when submitting DNA to the lab: Was the item seized from the suspect's person or property? What location was the item seized from?

Packaging Materials

- 6x9 Small Manila Envelopes -for collecting and submitting items
- 8x11 Large Manila Envelopes -for collecting and submitting items
- Paper Bags -for items too large to fit into manila envelopes
- Swab -both regular and buccal
- Box-large boxes for bulk items, urine and blood boxes
- Hand gun box -for hand gun use only (no ammunition)
- Long gun box -for long gun use only (no ammunition)
- Knife box -for knives only
- Evidence Tape - Tamper Resistant (Must be dated and initialed)
- Zip Tie -For securing items inside of their containers
- Bio-hazard Sticker - to be used on anything that has a biohazard in it
- Latent Print Envelopes -for fingerprint cards only
- Tags -to place your stamp on an item that is not being placed in a sealed container

The small 6 x 9 manila envelopes are the smallest container which should be submitted into evidence holding. Anything smaller can be used for collection but must be placed in a small manila envelope prior to submission.

General Packaging Reminders

- Wet items must be dried prior to submitting into evidence holding.
- DNA must be dried before submitting into evidence holding.
- Blood is stored in the refrigerator.
- Urine is stored in the freezer marked Biohazard.
- Do not try to over fill a package.
- Evidence tape minimum requirements are date and initials. This proves that you sealed that item on that date. This includes items that are not evidence.
- Evidence, Found Property and Safekeeping are different classifications and should not be combined.
- Currency must be separated from all other property.
- Drugs and paraphernalia should not be stored in the same container.
- Blood must be secured in a blue bag. The key to the blue bag must be submitted separately in a small manila envelope.
- The only location property should be logged in is "NPD Intake".
- The only options for property entries that are being checked into the evidence room are "Evidence", "Found", "Safekeeping", and "Seized with warrant". No other classification should be logged into NPD Intake.

Drugs and Paraphernalia

- Drugs must be weighed, and the amount listed. See APPENDIX A for more detailed instructions.
- Mushrooms must be weighed and then stored in the freezer.
- You may put multiple bags of the same drug into a single package as long as there is a total amount listed.
- Drugs may be kept in the container it was found in.
- Containers that have no evidentiary value are to be left with the owners.
- Drugs and paraphernalia should be packaged separately.
- When sending pills to the lab for testing, divide them out by characteristic or markings such as color or size.
Send one of each kind of pill to the lab. The remaining pills should not be sent to the lab.
- Do not overpackage containers with excess paraphernalia.
- Store glass paraphernalia separate from other items.
- Place syringes in a syringe tube with evidence tape over the top to secure it. Remember to place a biohazard sticker on the tube.
- Syringes are to be packaged separately from all other items.

Media, CD's and DVD's

- Place the media in a white paper folder before placing it in a manila envelope to protect the media.
- The media needs to be listed as property under the appropriate case number and be linked to the appropriate owner. If it is a video related to a crime, it would be linked to the party pursuing charges (I.E. State of Missouri, City of Nixa or the business etc.)
- If media is retrieved from a business, it needs to be listed as property under the appropriate case number and be linked to the business as the appropriate owner and not the suspect.
- If placing multiple media in the same envelope, ensure they are separated by the white paper folder to prevent damage.

Firearms and Ammunition

Firearms:

- All firearms shall be placed in the appropriate gun box unless it is too large for the long gun box, secured with zip ties and evidence tape shall be dated and initialed.
- All firearms shall be made safe before submitted into evidence holding.
- Serial numbers must be listed in the property entry.
- If a firearm does not fit into a box, tie a tag on to it and fill in the appropriate data. Ensure that the weapon is safe before it enters evidence holding.

Ammunition:

- Do not place loose ammunition in the box. Ammunition should be packaged separately in its own container.

Evidence personnel should be the only employees who release a firearm, even collected for safe keeping.

A complete criminal history and a NICS check must be validated before a firearm can be returned.

Knives

- Knife boxes are available. Similar to gun boxes, these knives must be zip tied to the box to prevent damage to the container or property.
- Sharps tubes may be used, however; they are harder to store and more expensive to use. Unless you need to have the knife visible without opening the package, please use a box.
- Folding knives may be securely closed with zip ties. These should still be placed in a box due to the hazard they may present in a manila envelope.

Fingerprints

- Do not draw arrows or circle the place where fingerprints should be.
- Fingerprints must be lifted and placed on an index card. Do not put the lifted print directly into a manila envelope.
- If the suspect is known, ensure that their descriptors are provided.
- Gather comparison prints when required.
- When submitting items to be fingerprinted by the lab, ensure no friction in the packaging container to avoid rubbing the fingerprints off during storage and transport.
- When completing latent fingerprints, make sure to use the appropriate envelope.
- Fill out all of the information on the latent envelope.
- Be sure to list whether or not the incident took place on a roadway.

Urine

- Always double bag urine.
- Store urine in the freezer.
- Do not wrap gloves around the urine cup.
- If you are using the boxed urine containers, place the cup in a sealed plastic bag inside of the box and seal the box with evidence tape.

Blood

- Glass vials should be placed in the provided blood box.
- Place the blood box in the blue bag and secure the lock to ensure no one can tamper with your evidence.
- Place the blue bag in the refrigerator.
- Place the key to the blue bag in a small manila envelope and place it into evidence holding.

Alcohol

- Unless it is a major crime and/or the container itself has evidentiary value, the property room will not accept containers of alcohol.
- Take photographs of the container.
- Take a sample for lab testing if it is needed.

Currency

- Currency must be separated from all other property regardless of classification.
- All currency needs to be placed in a currency bag.
- Foreign currency should go into a manila envelope and properly marked as foreign.
- Collector's coins should go into a manila envelope and properly marked as such.
- See APPENDIX B for entering currency in evidence.
- U.S. currency only stays in evidence temporarily. Currency is transported to the bank to be kept secure in accordance with best practice.

Cell Phones

- Cell phone batteries should be removed when possible and stored separately.
- Cell phones should be wrapped in a paper towel and then wrapped in foil. The foil should not directly contact the phone to prevent fire hazards.
- Cell phones should be placed in a separate container from other property.
- Cell phones should be turned off before they are entered into evidence holding.

Sexual Assault Kits

- The Doctor's report needs to be included in the sexual assault kit when packaged by medical staff.
- Be sure to place evidence tape over the Sexual Assault Kit that is dated and initialed.
- Blood, urine or other wet items must be removed from the Sexual Assault Kit.
- Only dry items may be put in the container.
- Panties are also not allowed in this container.

Gunshot Residue Kit

- Place evidence tape over the kit that is dated and initialed.
- If it is a plastic kit:
 - Place in a container and seal it as you would any other evidence with evidence tape.
- Ensure documentation of who the kit was collected from.

Reminders

Lab Reminders:

- Fill out a brief summary that describes the incident. (More than just "traffic stop, drugs found etc). The lab analysis request MUST be completed before evidence will be taken to the lab.
- Only one pill per type will be accepted by the lab.
- Lab requests will be attached to the case or printed out and placed in your case packet.

General Reminders:

- Place evidence tape over the kit that is dated and initialed.
- Wet items must be dried prior to submitting into evidence holding. DNA must be dried before submitting into evidence holding.
- Blood is to be placed in a blue bag and stored in the refrigerator. Urine is to be stored in the freezer.
- All property must have a Nixa Police Department property stamp on it or on an attached tag. You must link an owner to an item if the owner is known.
- All items placed in a container must have evidence tape on it that is dated and initialed.

APPENDIX A: Drugs and Pills as Evidence

Please ensure you are weighing all drugs collected as evidence. We have a couple of sets of digital scales specifically for that reason. We can still request an official weight from the lab if needed.

Remember you are weighing the product in the evidence container, which is a gross weight including the container. This information will be added in the common name field similar to 3 grams gross weight. Abbreviations might be required due to formatting restrictions in this field similar to 3 Grams GW or 3 G GW etc.

For consistency, we are going to start placing that gross weight on the piece of evidence and in the common name field of the case report in RMS. See Example below:

The screenshot shows the 'Evidence' form in the RMS system. At the top, it says '[Evidence] (Drug - Marijuana : Bud) 3 GRAMS GROSS WEIGHT Value: \$0.00'. The form includes fields for Classification (Evidence), Id #, Effective from (03/10/2021), Effective to, Involvement remarks, Recovery time, and Damage value. The Drug type is 'Marijuana' and the Description is 'Bud'. The Common name is '3 GRAMS GROSS WEIGHT', Value is '0.00', and Estimated quantity is blank. There is a note: 'Prior authorization required for disposal.' and a Remarks section. The Agency is 'Nixa'.

With pills please ensure you are counting them and applying the quantity as below:

The screenshot shows the 'Evidence' form in the RMS system for pills. The form includes fields for Classification (Evidence), Id #, Effective from (03/10/2021), Effective to, Involvement remarks, Recovery time, and Damage value. The Type is 'Other' and the Description is 'Prescription drugs, medication'. The Make/brand is blank, Model is blank, Year is blank, and Manufacturing date is blank. The Common name is 'UNKNOWN PILLS', Serial # is blank, OAN is blank, and Security mark is blank. The Original colors are 'White', Original value is '0.00', Current value is blank, and Quantity is '11'. The Remarks section contains the text: 'white pills with markings 1234 found in the glovebox inside John Doe's prescription bottle'. The Agency is 'Nixa'.

Containers that have no evidentiary value are to be left with the owners. Evidence shall be removed from container and submitted as required.

Lab requests will be attached to the case or printed out and placed in your case packet. All lab requests should be noted on the item in the remarks section of our RMS.


APPENDIX B: Currency in Evidence

In the “Common name” field:



Only enter the dollar amount of the currency, with a “\$” sign

Also include the two decimal spaces (\$100.00)

This is an example of a correct entry:

 [Evidence]

[Security/Id/Currency - U.S. currency : Cash] \$100.00 Value: 100.00



Classification

Evidence

Id #

Effective from

Effective to

Involvement remarks

Recovery time

Damage value

Security type

Description

Issued by

Common name

Owner type

Last name

Serial/acct. #

Serial # end range

Sequence #

Expiration date

Value

Denomination

OAN

Security mark

Bank code

Authorized

Prior authorization required for disposal.

Remarks

Agency: Nixa

APPENDIX B: Currency in Evidence Continued

This is an example of an incorrect entry:

The screenshot shows a web-based evidence entry form. At the top, there's a header bar with a yellow icon, a '[Evidence]' label, and a breadcrumb trail: 'ISecurity/Id/Currency - U.S. currency : Cash | U.S. CURRENCY CASH Value: 100.00'. To the right of the header are two circular icons: one with a pencil and one with a right arrow. Below the header, the form is organized into several sections. The first section has a 'Classification' dropdown menu set to 'Evidence'. Below this are three input fields: 'Id #', 'Effective from' (with a date of 03/10/2021), and 'Effective to'. The next section contains 'Involvement remarks', 'Recovery time', and 'Damage value'. A horizontal separator line follows. Below the separator, there are two main columns. The left column has 'Security type' (set to 'U.S. currency') and 'Issued by'. The right column has 'Description' (set to 'Cash'). Below these, there's a 'Common name' field set to 'U.S. CURRENCY CASH'. The next section contains 'Owner type' (a dropdown), 'Last name', 'Serial/acct. #', 'Serial # end range', 'Sequence #', and 'Expiration date'. Below that are 'Value' (set to 100.00), 'Denomination', 'OAN', and 'Security mark' (a dropdown). There's also a 'Bank code' field. At the bottom right of this section is an 'Authorized' checkbox. Below the form fields, there's a bolded text line: '**Prior authorization required for disposal.**'. At the very bottom is a 'Remarks' text area and an 'Agency: Nixa' label.

[Evidence]				ISecurity/Id/Currency - U.S. currency : Cash U.S. CURRENCY CASH Value: 100.00	
Classification Evidence					
Id #		Effective from 03/10/2021		Effective to	
Involvement remarks		Recovery time		Damage value	
Security type U.S. currency					
Issued by			Description Cash		
Common name U.S. CURRENCY CASH					
Owner type		Last name			
Serial/acct. #		Serial # end range		Sequence #	
Value 100.00		Denomination		Expiration date	
Bank code		OAN		Security mark	
				Authorized <input type="checkbox"/>	
Prior authorization required for disposal.					
Remarks					
Agency: Nixa					

Only ensure that we are doing this for US currency. If foreign money is received, please separate it from any other items (coins from a purse etc..) and describe the Nationality in the description field.

WHEN COLLECTING CURRENCY WITH OTHER ITEMS:

If currency is located inside an item such as a wallet or with miscellaneous items; separate the currency from those items and package them in separate containers.

CURRENCY CAN NO LONGER BE PACKAGED WITH OTHER ITEMS.

This brings up the question of gift cards, checks, credit cards and other items that have a financial value but are not actual cash monies....

Separate these items from other evidence and submit them.

The description of these items need to be thoroughly documented in the remarks field of the property.

While completing an inventory of the safe, many objects such as purses or wallets were located only described as "Purse", but personal identifiers were located inside the property.

If you enter property that has personal identifiers in it, please identify these in the remarks field so an owner can be contacted. Also, document in your report that the property contained an ID or other personal identifier.

These reports can be forwarded to investigations, and this information will assist CID.

APPENDIX C: Laboratory Analysis Exam Requests

DNA Exams

1. **DNA Analysis**--for sexual assault kits, buccal swabs, swabs from item at crime scenes, or clothing that needs tested for non- stain DNA such as hats, masks or gloves.
2. **Blood Detection (for DNA)**--for items that are to be examined for the presence of blood that will be tested for DNA.
3. **Semen Detection (for DNA)**--for items that are to be examined for the presence of semen that will be tested for DNA.

Drug Chemistry

1. **Marihuana Analysis**--for items that are suspected of being or containing marihuana.
2. **Drug Analysis**--for items suspected of being or containing controlled substances, but not including marihuana.

Firearm/Toolmark

1. **Firearm/Ammunition Examination**--for firearm examinations and comparisons of ammunition components.
2. **Tool Mark Examinations**--for comparing tools to toolmarks.
3. **Serial Number Restoration**--for items with defaced serial numbers that are to be restored.
4. **Impression (tire/footwear examination)** -- for examination of tire/footwear impressions.
5. **Shooting Distance** -- for items such as clothing that need to be analyzed for muzzle-to-target distance determination. This exam involves clothing with a suspect bullet hole.

Latent Prints

1. **Latent Print Processing**--for evidentiary items to be processed to develop latent prints. Latent comparisons and/or AFIS entry are assumed if latent prints of value are developed.
2. **Latent Print Comparison**--for comparisons of latent prints developed at the scene with known exemplars. AFIS entry is assumed if manual comparisons with known exemplars yield negative results or if there are no known subjects listed.
3. **AFIS Entry**-- for latent prints to be searched through the AFIS database. This is to be selected only at GHQ lab by agencies who employ latent print examiners to conduct manual verification of AFIS results.
4. **Postmortem Identification** -- for comparisons and/or AFIS entry of postmortem prints.

Toxicology

1. **Blood Alcohol Analysis**--to determine alcohol content in blood samples.
2. **Urine Drug Analysis**--for urine samples to be analyzed for drugs.
3. **Blood Drug Analysis**--for blood samples to be analyzed for drugs.
4. **Blood Carbon Monoxide Analysis**--for blood samples to be analyzed for carbon monoxide.
5. **Foreign Substance (food/drink-poison)**--for blood, urine, stomach contents, etc to be analyzed for drugs or other poisonous or harmful substances.
6. **Alcoholic Beverage Analysis**--to determine alcohol content in commercial products.

Trace Evidence

1. **Explosives analysis**--for pre-blast and post-blast items or suspected explosives.
2. **Filament (on/off for vehicle accidents)**--for lamps from automobiles and boats to determine if on or off at time of accident.
3. **Flammable (fire investigation)**--for identification of flammable liquids or the presence of flammable liquid residues on fire debris.
4. **Fracture Match (broken/torn)**--for broken or torn items to determine if originally one piece.
5. **Glass (processing/analysis)**--for the detection, collection or comparison of glass standards and questioned glass particles from shoes, clothes or other sources.
6. **Gunshot Residue Kit Analysis**--for kits taken from hands or other surfaces. Kits taken from shooting victims will not typically be analyzed.
7. **Gunshot Residue (Except kits)**--for items such as clothing that need to be sampled for the presence of gunshot residue. Clothing is typically limited to gloves and long sleeve shirts and jackets.
8. **Hair/Fiber (Trace exams only)**--for the detection, collection or comparison of hairs, fiber standards, and fibers from shoes, clothes or other sources. DNA exams will be performed on hair if possible or necessary.
9. **Hair (with DNA)**--for items that contain hair or are to be examined for the presence of hair that have been submitted with other items needing DNA exams.
10. **Paint Analysis**--for the comparison of paint standards and transfers.
11. **Physical Characteristics Comparison**--for comparison of items such as tape, wood, plastics and other miscellaneous materials.
12. **Soil (collect/compare)**--for the detection, collection or comparison of soil standards and questioned soil samples from shoes, clothes or other sources.
13. **Substance ID (unknown/tampering)**--for substances suspected of being harmful or causing property damage that may be found in food, mail or on damaged property

APPENDIX D: Review and Retention of Property

- Motor Vehicle Crashes – Property will be destroyed after one year unless a written request is received to hold it.
- Non-Criminal Incidents – Property and Evidence Unit personnel will make disposition after 90 days unless written request is received to hold the property.
- Municipal Case – When a case has been referred to Municipal Court, Property and Evidence Unit personnel will be responsible for monitoring court dispositions and making appropriate dispositions of property when the case is completed.
- Cases Assigned for Follow-up Investigation – Disposal of related property must be authorized by the Criminal Investigations Division (CID) Sergeant, regardless of the current case status (active, suspended, cleared, etc.).
- Evidence related to cases where charges have been filed will be held until a disposition is received from the court. Upon notice of disposition, Records personnel will send a task to the CID group in the RMS.
 - The CID Sergeant may grant disposal authorization.
- Evidence held on cases where no charges have been filed will be retained until the statute of limitations for that crime has been met per RSMO 556.036. This included cases cleared by exception due to lack of victim cooperation, declined by the prosecutor, active and suspended cases.
 - Property and Evidence Unit personnel will review the CID Sergeant's disposal authorization to ensure it complies with the above section to include RSMO 556.036.
 - Sexual assault kits shall not be destroyed without the approval of the Chief of Police.
- All Other Unassigned Cases – After 90 days, Property and Evidence Unit personnel will periodically review related property on an as needed basis and forward case information to the CID Sergeant to make a disposition decision.

APPENDIX E: Disposition of Property

- Disposal – Certain property/evidence require special authorization for disposal.
 - Disposal of alcohol, drugs, and guns shall be pursuant to a court order.
 - Alcohol – The Property and Evidence Unit will submit a list of alcohol due for disposal to the appropriate court and request a court order to destroy the alcohol.
 - Drugs – The Property and Evidence Unit will submit a list of drugs due for disposal to the appropriate court and request a court order to dispose of the drugs.
 - Guns – The Property and Evidence Unit will submit a list of guns due for disposal to the appropriate court and request a court order to dispose of the guns.
- Unclaimed Property
 - Due Diligence – Holders are required to exercise such reasonable and necessary diligence as is consistent with good business practice to locate owners of property valued at \$50 or more within one year prior to reporting the property to the Missouri State Treasurer's office.
 - Articles valued less than \$50 may be destroyed.
 - If the property is of such poor quality or would be a safety concern if returned to the general public, it will be destroyed and documented in the property tracking system.
 - Guns, explosives, and ammunition will not be converted to department use; they will be destroyed and documented in the property tracking system.
 - Must report assets that have been presumed abandoned for five years (15 years in the case of travelers checks, seven years for money orders) to the Missouri State Treasurer's office.
 - Negative Reports are not required.

Contract 2021.pdf

General Order 20-06.pdf



Nixa Police Department

P.O. Box 395 / 715 W. Center Circle
Nixa, Missouri 65714

Emergency: 911 / Office: 417-725-2510 / Fax: 417-725-0915
www.nixapolice.com



To: NPD-ALL

From: Chief Campbell

CC: N/A

Date: 04-03-2020

Re: General Order 20-06

The purpose of this General order is to update our Police Uniform Regulations policy to allow for use of an optional and personally supplied cloth face cover when in public. These cloth face covers must not contain anything objectionable such as something sexually explicit, that contains nudity, obscene material, ethnic slurs, gang symbols, promote discrimination or endorse criminal activity.

This update is due to recent COVID-19 recommendation changes by the CDC. The CDC also recommends not to use a facemask meant for a healthcare worker. Law enforcement personnel will continue to follow the CDC recommendations document "What law enforcement personnel need to know about coronavirus disease 2019" (03-16-2020), provided in our PLANIT training course. More specifically the "Recommended Personal Protective Equipment (PPE)" section. If this document is updated it will be pushed out through an updated PLANIT training course.

Effective the date of this order the following Nixa Police Policy has been updated and is in full force:

- 1019 Police Uniform Regulations

This general order will be attached to the policy to which it pertains. This general order will be tracked and acknowledged similar to policy revisions within our Nixa Police Department Policy Manual.

Contract 2022.pdf

CONTRACT

NIXA POLICE DEPARTMENT CONTINUING SERVICES

This contract is entered into on this _____ day of _____, 20____, by and between the City of Nixa a municipal corporation of the State of Missouri, (hereinafter City), and _____ (hereinafter “Contractor”).

1. **Authority.** This contract is executed pursuant to the Nixa Police Department (hereinafter NPD), Policy and Procedures Manual, Policy 1015, which authorizes the Chief of Police or his/her designee to assign police officers to work additional duty in an on-duty status to provide security services at certain events or activities, and to equip these officers with police vehicles during such events or activities if, in the opinion of the Chief of Police, or his/her designee, the use of the police vehicles would better protect the public or the officers, and police vehicles are available for use. This contract shall be used for any position that it is anticipated/expected that the officer may use his law enforcement power.
2. **Event/Activity/Termination Date.** NPD shall assign police officer(s) and police vehicle(s), as requested, available, and as deemed appropriate by NPD, to provide security services at events or at times requested by Contractor. All requests for services must be submitted to the office of the Chief of Police. Since this agreement involves a continuing need for services, Contractor shall give NPD a minimum of thirty (30) days advance notice of the number of officers needed, the schedule of times to be worked, the location of the service and the type of service to be provided, unless in situations of emergencies. Under exigent circumstances the 30-day advanced notice may be waived by the Chief of Police or his/her designee.

Unless otherwise specified, this agreement shall terminate on **December 31, 2022** unless a renewed contract is signed by the Contractor.

3. **Supervision of Officers:** While contractor may generally plan the work to be done under this contract, officers shall remain under the direction and control of NPD and shall comply with all orders, rules and regulations of NPD while assigned to work under this contract. No provision of this contract shall be interpreted as conflicting with the customary policies and procedures of NPD with regard to supervision, chain of command, or other authorities. Officers will only engage in law enforcement related duties.
4. **Place of Employment:** Services under this contact shall be provided within Christian County, Missouri, preferably within the city limits of Nixa, and with prior authorization of the Nixa Police Department. Special exceptions may be authorized only by the Chief of Police or his/her designee.

CONTRACT

5. Availability—Officers/Vehicles:

- a) This contract does not guarantee the availability of officers or vehicles, but rather specifies the terms and conditions of the assignment of officers and vehicles under this contract, when available. The Chief of Police or his/her designee have the discretion to determine the number of officers, the actual officers involved, the type of supervision, and the number of police vehicles that will be provided. NPD shall notify Contractor as soon as is practicable in the event that 1) fewer police officers and/or vehicles than requested are available for assignment, or 2) the Chief of Police or his/her designee determines that for reasons of public safety and security, additional officers or vehicles shall be assigned to an event or activity (at Contractor's expense).
- b) The Nixa Police Department shall schedule and authorize in advance all hours worked under this contract unless the work is classified as Permanent Secondary Employment in which event this task shall be delegated. Contractor is expressly prohibited from scheduling officers to work additional shifts under this contract. This does not prevent Contractor from requesting an officer to work up to two (2) hours past the end of the shift that was scheduled. However, any additional hours at the end of the scheduled shift that will or may exceed two (2) must be approved in advance.
- c) In the event of a significant emergency as determined by the Chief of Police, in his/her sole discretion, the Chief of Police or his/her designee reserves the right to return to regular service any officers and/or vehicles otherwise provided under this contract, and no claim for damages may be made by the contractor for same. If replacements are not available, Contractor will only be charged for the services and vehicles actually provided.

6. Compensation-Services: In consideration for the law enforcement services provided under this contract, Contractor shall compensate or reimburse the City of Nixa at the rate set out in Attachment A. The amount charged in Attachment A shall cover pay, benefits and all other applicable expenses. All Contractors shall be invoiced by the City of Nixa for payment. The City of Nixa reserves the right to demand prepayment for law enforcement services. The compensation rates in Attachment A are valid until **December 31, 2022** at which time the rates will be re-evaluated. During this re-evaluation period, NPD reserves the right to adjust/modify the rate of pay based upon the cost of living and/or the actual cost the city incurs. A new contract will need to be signed by **January 01, 2023** reflecting the new rate (if any) for NPD to continue service.

In the event the Contractor cancels a scheduled shift, with less than **eight (8) hours prior notice to the City**, the Contractor shall be billed a two-hour minimum charge per officer. Cancellations for weather-related reasons (i.e.: heavy rain, snow, etc.) shall be exempt from the eight (8) hour notice; Weather-related cancellations shall require a **two (2) hour notice**. The Chief of Police may in his/her sole discretion determine if a cancellation is weather related. The Chief of Police may in his/her sole discretion cancel any law enforcement duty assignment due to inclement weather.

CONTRACT

In addition to the above charge, calls by the Contractor to the Nixa Police Department after normal business hours for the purpose of scheduling additional hours, canceling hours already scheduled or other administrative duties shall be billed to the Contractor at a rate of two-hour minimum charge per call or the length of time it takes to handle the situation, whichever is greater.

The NPD reserves the right to assign officers to provide services under this contract whose actual rank differs from the requested rank.

7. **Form of Payment:** All Contractors shall be invoiced by the City of Nixa for payments, unless an alternate payment plan is established based on the special event, by agreement of both parties, all payment shall be by check, cashier's check, or money order made payable to "City of Nixa". The City of Nixa reserves the right to require payment by cashier's check or money order. Payments shall be sent to the City of Nixa, P.O. Box 395, Nixa, Missouri, 65714. Contractor shall not make payments directly to officers under contract. Contractor shall pay interest at a rate of 12% per annum on all balances due if the invoice is not paid in full within 30 days of the billing date on the invoice.
8. **Termination:** Either party may terminate this contract at any time upon thirty (30) days prior written notice to the other party. If either party fails to fulfill in a timely and proper manner its obligations under this contract or if it should violate any of the terms of this contract, the aggrieved party shall have the right to immediately terminate the contract. The City of Nixa shall also have the right to immediately terminate this contract if Contractor or any person or entity being provided with services pursuant this contract engages in any illegal activity. Such termination shall not relieve Contractor of any liability to the City of Nixa for damages sustained by virtue of any breach by Contractor.
9. **Compliance with laws:** Contractor agrees to comply with any applicable federal, state, and local laws and regulations.
10. **Notices:**

Notices to the City shall be sent to:
City of Nixa
Attn: City Administrator
P.O. Box 395
Nixa, MO. 65714

CONTRACT

Notices to Contractor shall be sent to:

Business: _____

Attn: _____

Address: _____

Phone: _____

FAX: _____

11. **Partnership/Joint Venture:** Nothing herein shall in any way be construed or intended to create a partnership, joint venture, or special relationship between the parties or to create the relationship of principal and agent between or among any of the parties. Neither party shall hold itself out in a manner contrary to the terms of this paragraph. No party shall become liable for any representation, act or omission of any other party contrary to the terms of this paragraph.
12. **Waiver:** No waiver of any provision of this contract shall affect the right of any party thereafter to enforce such provision or to exercise any right or remedy available to it in the event of any other default.
13. **Gratuities and Kickbacks/Contingent Fees:** Contractor hereby represents that Contractor has not been retained or retained any persons to solicit or secure a City contract upon an agreement or understanding for a contingent commission, percentage, or brokerage fee, except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business, and that Contractor has not offered, given or agreed to give any City employee official or former employee a gratuity or an offer of employment in connection, in any manner, with this contract.
14. **Indemnification and Hold Harmless:** Contractor shall indemnify and hold harmless the City of Nixa, its officials, the Nixa Police Department and their officers, agents and employees from any claims, damages, costs and attorney fees for injuries or damages arising, in part or in whole, from the negligent or intentional acts or omissions of Contractor, its officers, employees and/or agents, including its sub or independent contractors (other than NPD), in conjunction with the performance of the contract. Furthermore, neither Party hereto shall be liable for any damages proximately resulting from the negligent or wrongful acts or omissions of the other Party or the other Party's employees or agents in the performance of this Agreement.
15. **Attorney Fees:** If the Contractor fails to perform any of the terms and conditions of this contract, Contractor agrees to pay the City of Nixa, in addition to special and general compensable damages, all the costs and expenses of enforcing this contract, including a reasonable sum for attorney fees, whether suit be brought or not.
16. **Assignment—Consent Required:** Neither this contract or any of the rights and obligations of Contractor hereunder shall be assigned or transferred in whole or in part without the prior written consent of the City of Nixa. Any such assignment or transfer shall not release Contractor from its obligations hereunder.

CONTRACT

17. **Entire Contract/Modification:** This contract sets forth the entire agreement between the parties with respect to the subject matter hereof and shall govern the respective duties and obligations of the parties. This contract may be modified only by written amendment executed by all parties and their signatures hereto.
18. **Governing Law & Venue:** This contract shall be governed by the laws of the State of Missouri. Proper venue for any lawsuit arising from a dispute involving this contract shall be brought in a court of competent jurisdiction in Christian County, Missouri.
19. **Severability:** Should any provision of this contract be declared to be invalid by any court of competent jurisdiction, such provision shall be severed and shall not affect the validity of the remaining provisions of this contract.
20. **Effective Date:** This contract shall not be binding upon the parties until it has been signed first by the Contractor and then by the City Administrator or his/her designee. When it has been so signed and filed, this contract shall be effective as of the date first written above.

Contractor:

City of Nixa:

BY:

BY:

(Signature)

City Administrator

(Print name)

CONTRACT
ATTACHMENT “A”

Contract for Police Services

NIXA POLICE DEPARTMENT

AND

Effective **January 1, 2022**, Contractors utilizing the services of the Nixa Police Department police officers shall reimburse the City of Nixa in accordance with the following single hourly rate:

Fee	Organization
\$50.00	All Contracts

The above amount includes cost of pay, benefits, vehicles, equipment, and all other applicable expenses.

Promotional Specifications.pdf

Promotional Specifications

I. Policy

It is the policy of the Nixa Police Department to establish a process for promotion. It is the objective of the City of Nixa, the Nixa Police Department, and the Department of Human Resources to provide equal promotional opportunities to all members of the police department based on a candidate's merit. Merit – within the interpretation of these rules – shall mean ability, efficient, qualification and seniority.

The Nixa Police Department shall work with the Department of Human Resources to ensure a fair, professional process is utilized for promoting employees. The final decisions concerning elements used in a competitive process rest with the Director of Human Resources based upon recommendations from the Chief of Police.

II. Definitions

Loss of Pay- A reduction in a member's rate of pay due to an involuntary demotion related to a disciplinary action or pay lost as a result of a suspension from duty.

III. Procedure

1. Non-Sworn Personnel

- 1.1. Each available position will be posted by the Chief of Police.
- 1.2. Interested personnel shall follow the application procedures listed on the posting.

2. Sworn Personnel

2.1. Selection Process and Eligibility Requirements

2.1.1. Major

- 2.1.1.1. Promotions to the position of Major may be based on a competitive or non-competitive direct promote process.
- 2.1.1.2. Minimum one consecutive year of full-time service, immediately prior to the last day of the job posting, with the Nixa Police Department as a Police Lieutenant or Captain, and not be on probation in the field training program or on disciplinary probation
- 2.1.1.3. Cannot have any disciplinary action that resulted in a loss of pay within the last year prior to the last day of the job posting.

2.1.2. Captain

- 2.1.2.1. Promotions to the position of Captain may be based on a competitive or non-competitive direct promote process.
- 2.1.2.2. Minimum one consecutive year of full-time service, immediately prior to the last day of the job posting, with the Nixa Police Department as a Police Lieutenant, and not be on probation in the field training program or on disciplinary probation
- 2.1.2.3. Cannot have any disciplinary action that resulted in a loss of pay within the last year prior to the last day of the job posting.

2.1.3. Lieutenant

- 2.1.3.1. Promotions to the position of Lieutenant may be based on a competitive or non-competitive direct promote process.
- 2.1.3.2. Minimum one consecutive year of full-time service, immediately prior to the last day of the job posting, with the Nixa Police Department as a Police Sergeant, and not be on probation in the field training program or on disciplinary probation
- 2.1.3.3. Cannot have any disciplinary action that resulted in a loss of pay within the last year prior to the last day of the job posting.
- 2.1.4. Sergeant
 - 2.1.4.1. Promotions to the positions of Sergeant will be based on a competitive process.
 - 2.1.4.2. Minimum one consecutive year of full-time service, immediately prior to the last day of the job posting, with the Nixa Police Department as a Police Corporal, and not be on probation in the field training program or on disciplinary probation;
 - 2.1.4.2.1. Or minimum of two consecutive years of full-time service, immediately prior to the last day of the job posting, with the Nixa Police Department as an Investigator, and not be on probation in the field training program or on disciplinary probation
 - 2.1.4.2.2. Or minimum of eight consecutive years of full-time service, immediately prior to the last day of the job posting, with the Nixa Police Department and not be on probation in the field training program or on disciplinary probation
 - 2.1.4.3. Cannot have any disciplinary action that resulted in a loss of pay within the last year prior to the last day of the job posting.
- 2.1.5. Corporal
 - 2.1.5.1. Promotions to the positions of Corporal will be based on a competitive process.
 - 2.1.5.2. Minimum one consecutive year of full-time service, immediately prior to the last day of the job posting, with the Nixa Police Department, and not be on probation in the field training program or on disciplinary probation
 - 2.1.5.3. Cannot have any disciplinary action that resulted in a loss of pay within the last year prior to the last day of the job posting.
- 2.1.6. Investigator
 - 2.1.6.1. Promotions to the positions of Investigator will be based on a competitive process.
 - 2.1.6.2. Minimum one consecutive year of full-time service, immediately prior to the last day of the job posting, with the Nixa Police Department, and not be on probation in the field training program or on disciplinary probation
 - 2.1.6.3. Cannot have any disciplinary action that resulted in a loss of pay within the last year prior to the last day of the job posting.
- 2.2. Positions for the rank of Sergeant and below will be based on a competitive process; however, exceptional circumstances may allow the Chief to make a selection based on the non-competitive direct promote process when approved by the Director of Human Resources.
- 2.3. Nixa Police Department seniority shall be based upon continuous service with the Nixa Police Department with no break in service.
 - 2.3.1. Years of service at any department other than the Nixa Police Department do not apply.
- 2.4. Promotion by Competitive Process

- 2.4.1. When a vacancy exists, the Chief of Police shall begin the promotional process as soon as practical and feasible by notifying the Department of Human Resources.
- 2.4.2. The Director of Human Resources shall approve the elements of the competitive process based upon recommendations from the Chief of Police. The vacancy shall be posted no more than 30 days after the position was vacated.
- 2.4.3. The posting for a competitive promotional process shall be made in writing and will remain open for no more than 7 days to allow candidates to sign up for the process. The posting announcement will contain the following information:
 - 2.4.3.1. A description of the vacant position
 - 2.4.3.2. Description of all elements of the competitive process
 - 2.4.3.3. Instructions on application;
 - 2.4.3.4. Application deadline.
- 2.4.4. The competitive selection process may include the following elements:
 - 2.4.4.1. Assessment Center
 - 2.4.4.1.1. The assessment center may include multiple exercises which are designed to provide relevant, reliable, and objective information for the purpose of measuring a candidate's characteristics, qualities, skills, knowledge, and abilities relating to the position described in the job posting.
 - 2.4.4.1.2. Exercises shall be job-related and nondiscriminatory and may include:
 - 2.4.4.1.2.1. Role-play exercises;
 - 2.4.4.1.2.2. Written in-basket exercises;
 - 2.4.4.1.2.3. Oral review board exercises.
 - 2.4.4.1.3. The dimensions to be evaluated for each position shall be announced in writing to each candidate prior to evaluation at the assessment center.
 - 2.4.4.1.4. A minimum of two assessors shall be utilized for each exercise.
 - 2.4.4.1.4.1. Assessors shall be at least one rank above that of the position being tested.
 - 2.4.4.1.4.2. Assessors shall be selected from Departments with rank structures and promotional processes comparable to those of the Nixa Police Department.
 - 2.4.4.1.4.3. This does not preclude personnel from the Nixa Police Department from being utilized as assessors.
 - 2.4.4.1.5. Assessors shall be trained prior to the start of the assessment center exercises by the Department of Human Resources and/or the contractual consulting firm.
 - 2.4.4.1.6. Assessors shall utilize a standard rating scale to assess a defined set of job-related elements established by the Department of Human Resources.
 - 2.4.4.1.6.1. A standardized form will be used to record scores and document observations at each stage of the exercise(s).
 - 2.4.4.2. Interviews
 - 2.4.4.2.1. Questions used in the interview will be job-related, nondiscriminatory, and designed to provide relevant, reliable, and objective information used to identify the knowledge, skills, and abilities required for the position.
 - 2.4.4.2.2. A minimum of three evaluators shall be utilized for each oral interview.
 - 2.4.4.2.2.1. One evaluator shall be from the Department of Human Resources;

- 2.4.4.2.2.2. The remaining evaluators shall be selected from within the Nixa Police Department or other agencies and shall be at least one rank above the position being interviewed for.
- 2.4.4.2.3. Evaluators shall be trained prior to the start of the interview process by the Department of Human Resources.
- 2.4.4.2.4. Evaluators shall use a standardized rating scale and assess a defined set of job-related elements.
 - 2.4.4.2.4.1. The scores and observations shall be recorded.
- 2.4.4.3. Written Test
 - 2.4.4.3.1. Questions used in a written test will be job-related, nondiscriminatory, and designed to provide relevant, reliable and objective information used to identify the knowledge, skills, and abilities required for the position.
 - 2.4.4.3.2. Written test will be scored in a uniform manner by the Chief of Police and/or the contractual consulting firm.
- 2.4.4.4. Past Performance Evaluation
 - 2.4.4.4.1. A review of each candidate's personnel files, evaluations, Professional Standards records, and/or a resume will be conducted to assess each candidate's past performance.
 - 2.4.4.4.1.1. Elements to be reviewed will be job-related and nondiscriminatory.
 - 2.4.4.4.1.2. The review will be conducted by the Chief of Police or designee.
 - 2.4.4.4.2. Evaluators shall be trained prior to the start of the evaluation process by the Department of Human Resources.
 - 2.4.4.4.2.1. The scores and observations shall be recorded.
- 2.4.4.5. Candidates who fail any portion of the promotional process will be disqualified from competing further in the current promotional process. This does not preclude all elements in the promotional process from being scored only and not being pass or fail.
 - 2.4.4.5.1. The candidate may reapply for the next scheduled promotional process, provided they meet the established requirement for the position to which they have applied.
- 2.4.4.6. Requests to review or appeal any part of the competitive process shall be made in accordance with the Nixa Police Department Grievance policy.
- 2.4.5. Competitive Process Results
 - 2.4.5.1. The Director of Human Resources shall be responsible for ensuring that elements of the selection process are job-related and nondiscriminatory.
 - 2.4.5.2. The Department of Human Resources is responsible for the tabulation and final results of all elements of the competitive process.
 - 2.4.5.3. The Department of Human Resources shall be responsible for the maintenance and security of all records pertinent to the promotional process according to Missouri Retention Guidelines.
 - 2.4.5.4. The Department of Human Resources shall prepare a register of persons in order of their final rating.
 - 2.4.5.4.1. All fractional scores shall be rounded to the nearest whole number and ties will be broken based off Nixa Police Department seniority.
 - 2.4.5.4.2. The list of eligible candidates shall be maintained for one year from the closing date of the prior job post for establishment of such list.

- 2.4.5.5. The Director of Human Resources or designee shall forward the eligibility list to the Chief of Police.
- 2.4.6. Appointment
 - 2.4.6.1. The Chief of Police shall select a person whose score is included in the three highest scores listed on the eligibility list.
 - 2.4.6.2. The Chief of Police may conduct an informal interview of the candidates with the three highest scores to assess the suitability of each candidate to serve in the position being filled.
 - 2.4.6.3. Candidates will be excluded from consideration for appointment under the following circumstances:
 - 2.4.6.3.1. Candidate requests that they not be considered for appointment;
 - 2.4.6.3.2. Candidate fails to reply within 7 calendar days to the request of the Chief for an interview;
 - 2.4.6.3.3. Candidate fails to appear for an interview they have scheduled with the Chief;
 - 2.4.6.3.4. Candidate accepts an appointment and failed to present themselves for duty at the time and place agreed to without giving the Chief satisfactory reasons for delay;
 - 2.4.6.3.5. The Chief offers an objection in writing and that objection is sustained by the Director of Human Resources.
 - 2.4.6.4. The Chief of Police shall announce all promotions in writing.
- 2.5. Promotions by Non-Competitive Process
 - 2.5.1. When a vacancy exists, the Chief of Police shall begin the non-competitive promotional process as soon as practical and feasible by notifying the Department of Human Resources.
 - 2.5.2. The Chief of Police shall submit the name of the employee proposed for promotion to the Director of Human Resources.
 - 2.5.3. The Director of Human Resources shall verify the qualification of the employee proposed for promotion and notify the Chief of Police of their findings.
 - 2.5.4. The Chief of Police shall announce all promotions in writing.
- 2.6. Probation
 - 2.6.1. Upon promotion, the first six months of service in the position to which the employee has been promoted shall constitute a probationary period.
 - 2.6.1.1. The Chief of Police, with the approval of the Director of Human Resources, may extend the probationary period no more than an additional six month or any part thereof.
 - 2.6.2. During the probationary period, the employee shall be closely observed to ensure they are developing and performing in a satisfactory manner.

IV. Attachments

- 1. Example Job Posting Announcement
- 2. Seniority

Attachment 1.

Example Job Posting Announcement

Vacant Position	Corporal
Vacancy Date	01/01/2019
Job Post Date	01/30/2019
Application Deadline	02/06/2019

Instructions on Application

Those interested in the promotion process must submit the following to the Chief of Police no later than the application deadline date at 5:00pm via Nixa email:

1. Submit a one-page formal letter of interest offering a short explanation of your desire for promotion (a basic cover letter)
2. A one-page resume detailing your work history, education, training, etc.

Element 1. A written test will be utilized and scored but will not be pass or fail. This test does not require study material.

Element 2. An internal interview will be utilized, and the evaluators will consist of three Nixa Police Department staff at least one rank higher than the open position and one evaluator from Human Resources.

Element 3. A review of the candidates past performance evaluation will be done by the Chief of Police, prior to the selection.

****All elements will be scored only and will not be pass or fail.***

The applications received will be utilized to develop an eligibility list to assist in ordering written tests and with contacting eligible applicants concerning the scheduling of all elements via Nixa email.

Attachment 2.

New officer- a new employee who has no experience as a police officer or work experience that doesn't meet the requirements of the Lateral Hire program.

Lateral officer- a new employee who has work experience that meets the requirements of the lateral hire program or a former Nixa Police officer who left in good standing but doesn't qualify as a re-hire officer.

Re-hire officer- a returning employee who has worked at the Nixa Police Department within the last 12 months of the posted opening(s) and left in good standing.

Seniority

Seniority- is a chronological list of members based on their time of service with the department.

Department Seniority

- This is established upon your most current hire date with the Department. If more than one person is hired on the same date, the seniority will be determined by the Chief of Police. The Chief of Police will rank those hired on the same date using the overall scores from the selection process. However, when filling vacancies, re-hires will be given seniority over incoming new hires and lateral hires.
- Department seniority shall be based upon continuous service with the Nixa Police Department. Previous service at Nixa police Department or other agencies will not count.

Seniority in Rank

- This is established upon your most current promotion date into a position of Investigator or higher. If two or more officers are promoted to the same rank at the same time, the officer with the most department seniority will have seniority coming into the ranked position at the time of promotion. However, if there are others already in that rank at the time of promotion, they will have seniority over the newly promoted officers.
- Seniority in rank will trump department seniority for such issues as bidding, vacation time, special assignments, etc.
- If a member voluntarily steps down from a ranked position or is demoted, they give up their seniority in rank, but maintain their department seniority.
- Seniority in rank shall be based upon continuous service with the Nixa Police Department. Previous service at Nixa police Department or other agencies will not count.

Service stripes and other indicators for length of service will be determined by continuous service at the Nixa Police Department with no break in service. One service stripe for each 5 years of continuous service may be worn on long-sleeve shirts in accordance with our Police Uniform Regulations policy.

A current list of seniority will be maintained by the Administration of the Nixa Police Department.

UAS Program Coordinator Manual.pdf



Nixa Police Department

P.O. Box 395 / 715 W. Center Circle
Nixa, Missouri 65714
Emergency: 911 / Office: 417-725-2510 / Fax: 417-
725-0915
www.nixapolice.com



To: NPD - ALL
From: Major Tennis
cc: Chief Campbell
Date: 08/04/2021
Re: Unmanned Aerial System (UAS) Program Coordinator

Chief Campbell has appointed Lt. Jason Fleetwood as program coordinator who will be responsible for the management of the UAS program. Lt. Jason Fleetwood will ensure that policies and procedures conform to current laws, regulations and best practices and will have additional responsibilities as outlined in our Unmanned Aerial System (UAS) Operations policy.

This appointment will be tracked and acknowledged similar to policy revisions within our Nixa Police Department Policy Manual.

Unmanned Aerial Systems (UAS) Operations



608.4 Program Coordinator Manual
Issued 03/23/2022

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608.4 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:

- a) FAA Certificate of Authorization - Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring the COA is current.

The Nixa Police Department will operate under the FAA Part 107 Rule and Remote Pilots will obtain a Remote Pilot Certificate and comply with the other requirements listed in the Part 107 Rule.

- b) Training - Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in operation, applicable laws, policies, and procedures regarding the UAS.

Those selected to be UAS pilots will be required to complete Department approved training. The minimum requirements will consist of:

- A. Completion of a Drone Pilot Ground School, or equivalent program
- B. Obtaining a Remote Pilot certificate with small unmanned aircraft system rating.
- C. Initial training consists of the following:

- 1. UAS Review:

- a. Pre/Post Flight checklist;
 - b. Proper assembly and storage of all UAS owned by the department;
 - c. Basic maintenance of all UAS owned by the department; and
 - d. Use of Logbook.

- 2. Administrative Matters:

- a. Policy;
 - b. Data and image storage, streaming, and retention.

- 3. Flight Operations:

- a. Perform Take-offs and Landings in a specified area;
 - b. Demonstrate Command and Control of base movements (e.g. up, down, forward, backward, left, right, rotate left, rotate right);

- c. Perform standard maneuvers (e.g. box drill and figure 8); and
- d. Demonstrate Command and Control of UAS in emergency circumstances.

Pilots should participate in at least two hours of flight training every 30 days. If a pilot is not available to train during this time frame due to leave or other circumstances, he/she should not act as a RPIC until completing at least one hour of flight training. However, the pilot may act as a SO or VO.

Pilots are responsible for staying current on UAS related material (e.g. law changes and current best practice). Pilots must maintain their Remote Pilot certification to include meeting requirements and retesting prior to the specified expiration.

- c) **UAS Deployment Requests-Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents.**

Request for the UAS can be made by contacting the program coordinator or his designee directly. It is preferred the primary officer or the person with most information makes this call. If he does not answer leave a message and he will return your call as soon as possible. The program coordinator will evaluate the request and based on the information provided will determine if the UAS can and will be deployed.

Potential uses include, but are not limited to:

- a. Situational Awareness: To assist law enforcement decision-makers in understanding the nature, scale, and scope of an incident and for planning and coordinating an effective response (e.g. bomb threat);
- b. Search and Rescue: To assist missing person investigations, such as AMBER Alerts, Silver Alerts, and other similar circumstances;
- c. Scene Documentation: To document crime scenes, accident scenes, or other major incident scenes;
- d. ViUAS! Perspective: To provide real-time aerial perspective to assist in providing direction for crowd control, traffic incident management, special circumstances, and temporary perimeter security (e.g. large crash on I-70 during rush hour); and
- e. Tactical Deployment: To support the tactical deployment of officers and equipment in emergency situations to provide real-time information to enhance response and aid in both civilian and officer safety.

- d) **Criminal Investigations – Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.**

When the UAS is deployed to assist in or gather evidence for, a criminal investigation involving potential 4th Amendment issues, the RPIC will follow all laws, rules, and regulations related to seizures. If it is uncertain whether a search warrant is required, the RPIC shall contact the appropriate supervisor.

e) **Public Notification – Implementing a system for public notification of UAS deployment**

Public notification of a UAS deployment will not be necessary for every circumstance. If public notification is needed, SMART 911 and/or social media will be used in coordination with the City of Nixa Public Information Officer.

f) **Operational Protocol – Developing an operational protocol for the deployment of a UAS including, but not limited to, safety oversight, use of viUASl observers, establishment of lost link procedures and secure communication with air traffic control facilities.**

The Remote Pilot in Command (RPIC) will ensure the following during flight operations:

- A. The flight is in compliance with all applicable FAA rules and regulations under Part 107;
- B. The flight is in compliance with all Federal, State and local laws; and
- C. The flight is conducted safely by continually assessing the operating environment to include:
 - 1. Weather conditions;
 - 2. Current airspace of the UAS;
 - 3. Location of all aircraft in the area;
 - 4. Location of persons and property on the ground; and
 - 5. Any other hazards.

As a licensed FAA remote pilot, the RPIC owns the responsibility for the deployment and continued operation of the UAS. Should the RPIC's decision differ from an order given by a supervisor, the RPIC is to:

- A. Immediately address any in-flight emergency;
- B. Safely land the UAS if it is in the air;
- C. Inform the supervisor of the concerns or changes that have occurred; and
- D. Follow the course of action newly determined by the supervisor.

In the event of a lost link or signal loss, the UAS will self-initiate a return to home (RTH) function if the lost link occurs for more than 20 seconds.

g) **Mission Documentation – Developing a protocol for documenting all missions.**

The Nixa Police Department subscribes to Airdata.com. This service fully documents all flights to included:

1. Date and time;
2. RPIC;
3. UAS Name;
4. Location;
5. Description of flight

- h) UAS Inspection and Maintenance – 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.

The maintenance of each UAS shall be conducted in accordance with manufacturer and/or supplier information. A record of all maintenance done shall be kept for reference by all UAS pilots. All reports can be generated from Airdata.com. Airdata.com also generates maintenance recommendations and warnings.

Most problems with the UAS can be handled by the pilots that have been trained in the operation of the equipment. Any problem that cannot be corrected shall be documented citing details of the malfunction or problem and submitted to the Program Coordinator.

When damage to any component of a UAS occurs (or is discovered), it shall be documented and submitted to the Program Coordinator. The information should include the date, location, all crew members (if known), damaged device name, extent of damage and how it occurred (if known).

- i) Evidentiary Data and Images - 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.

All evidentiary photos, video, and data will be uploaded to the case file in Watchguard.

- j) Records Retention - Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.

See policy 803 Records Maintenance and Release.

- k) Law Enforcement Access to Images and Data – Facilitating law enforcement access to images and data captured by a UAS.

Airdata.com will be utilized to live stream UAS data, images and video as needed. Evidentiary photos can be accessed from the case file in Watchguard. All flight recordings are the property of the Nixa Police Department and will be reviewed, copied or destroyed in accordance with existing city/departamental rules and the Missouri Sunshine Law.

- l) Program Recommendations – Recommending enhancements, particularly regarding safety and information security.

All recommendations should be forwarded to the Program Coordinator to be reviewed and if appropriate, included in the annual report to the Chief of Police.

- m) Program Reporting – Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.

The Program Coordinator will prepare an annual report consisting of an overview of deployments, needs assessment, and program recommendations to the Chief of Police.

Operational Procedures.pdf

**Nixa Emergency Tactical Team
NETT**



**404.3.3 Operational Procedures
Issued 05/15/2020**

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404.3.3 OPERATIONAL PROCEDURES

This department shall develop a separate written set of operational procedures, in accordance with its level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association's Suggested SWAT Best Practices. The operational procedures should include, at minimum, the following elements.

NPD Forms:

Various forms related to NETT are stored on the departments server in a NPD Forms folder accessible to all members of NETT and the Nixa Police Department. These forms were developed to ensure all members are familiar with and have an understanding of operational procedures and have a standard method of obtaining consistent information needed to develop the best tactical plan and the statistically best chance for a safe resolution. NPD Forms include the following:

- 57 (04-2020) NETT Form Header
 - 58 (04-2020) NETT Call Out Check List
 - 59 (04-2020) NETT Operations Order
 - 60 (04-2020) NETT Post Raid Report
 - 61 (04-2020) NETT Scouting Checklist
 - 62 (08-2019) NETT Threat Assessment
- a) Personnel responsible for developing an operational or tactical plan should be designated prior to, and/or during SWAT operations (time permitting).

See Nixa Police Department Operations Planning and Deconfliction Policy

See NPD Forms section above

- b) Plans for mission briefings should be conducted prior to an operation, unless circumstances require immediate deployment.

See Nixa Police Department Operations Planning and Deconfliction Policy

- c) Protocols for a sustained operation should be developed. These may include relief, rotation of personnel and augmentation of resources.

See Nixa Police Department Fitness for Duty Policy

In the event the Nixa Emergency Tactical Team needs to be supplemented for an extended event or an event that exceeds its mission capabilities, the initial request for mutual aid assistance will be to the Springfield, Missouri Police Department's Special Response Team.

See Nixa Emergency Tactical Team Policy Section: MULTI JURISDICTIONAL SWAT OPERATIONS

- d) A generic checklist to be worked through prior to initiating a tactical action should be developed. This will provide a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SWAT.

See Nixa Police Department Operations Planning and Deconfliction Policy

See NPD Forms section above

- e) The appropriate role for a trained negotiator should be defined.

See Nixa Emergency Tactical Team Policy Section: CRISIS NEGOTIATION TEAM

At the heart of the CNT response to a crisis is a belief that time is a precious commodity. The CNT works to buy time for the calming of emotion, the development of the best tactical plan, the creation of rapport between negotiator and suspect, to serve as a distraction of the suspect during SWAT activity and the statistically best chance for a safe resolution.

- f) A standard method of determining whether a warrant should be regarded as high risk should be developed.

See Nixa Police Department Operations Planning and Deconfliction Policy

See Nixa Police Department Warrant Service Policy

See NPD Forms section above

- g) A method for deciding how best to serve a high-risk warrant should be developed, with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.

See Nixa Police Department Operations Planning and Deconfliction Policy

See NPD Forms section above

- h) The elements of post-incident scene management should include:

See Nixa Police Department Nixa Emergency Tactical Team Policy

See Nixa Police Department Operations Planning and Deconfliction Policy

See Nixa Police Department Warrant Service Policy

See NPD Forms section above

- i) Sound risk management analysis should be included.

I. PHILOSOPHY

Recognizing that, by their nature, tactical operations are hazardous situations, the successful management and resolution of an incident often involves the need for decisions that may affect the safety of persons involved. Due to this, all operations/tactical decisions making will be made based on the Department's established priorities of life known as the Safety Priorities:

SAFETY PRIORITIES

1. Hostages
2. Innocent Persons/Citizens
3. Police Officers
4. Suspects/subjects

Where possible, the safety of suspects will be a consideration; however, the life of a suspect **will not** take precedence over the life of hostages, innocent persons/citizens, or police officers, regardless of the state of negotiations or any other activity designed to take the suspect into custody.

A. TACTICAL OPTIONS

The dynamics of a situation relinquishes control to the suspect, who usually knows what they are going to do. The Nixa Emergency Tactical Team will attempt to use tactics and contingency planning to have options in place to achieve a successful tactical resolution. The following situations and operations are not all inclusive and less lethal options will always be considered.

1. Hostage Situation

In hostage situations, negotiation will be the main activity to achieve a resolution; however, the Nixa Emergency Tactical Team will be prepared to execute a tactical option when the opportunity for the highest chance of success exists. These options may include, but are not limited to:

- a. Containment: Establish an inner perimeter, gather intelligence.
- b. Police Marksman: A well placed surgical shot which neutralizes the threat. There should be an entry/securing team element in place to clear the area and secure hostages.
- c. Assault (open air): Movement of the team to neutralize the threat after suspect has moved into an "open air" environment and is out of the stronghold. A marksman may be utilized in this situation.

- d. Assault (entry): Movement of the team into the suspect's stronghold to neutralize the threat(s). This is the least desirable option as you are meeting the suspect(s) in their environment, known to them and unknown to you.
- e. Combination: A combination of these options which may be adapted to deal with the variety of contingencies.

2. Barricade Situations

Negotiation will be the main activity to achieve a resolution; however, the Department recognizes that it is not reasonable for a barricade situation to deprive police services from the rest of the citizens of this community. Due to the manpower needed for these situations, officers are not able to answer priority calls for service. Thus, these situations should be resolved in a reasonable period of time, 3-5 hours, depending on the circumstances.

The options for resolution are as follows:

- a. Negotiation.
- b. Force the suspect out: By use of chemical munitions to force the suspect out of his or her stronghold.
- c. Tactical Entry: Based on safety priorities, an entry would not be made.

II. HIGH RISK POLICE TACTICS

The use of these tactics will be regulated to ensure that the proper execution is followed to reduce the likelihood of injury.

A. DEFINITIONS

- 1. **HIGH RISK POLICE TACTICS (HRPT):** Police tactics, which by their nature, have an increased potential of causing injury than conventional police tactics.
- 2. **HIGH RISK OPERATION:** Police operation in which the circumstances indicate the potential for violence being directed towards officers/involved persons is higher than normal.
- 3. **NOISE/FLASH DIVERSION DEVICE (NFDD):** Produces a loud report and bright flash. Also referred to as a distraction device.
- 4. **EXPLOSIVE TECHNIQUES:** The use of explosives to assist in furtherance of an operational objective.

5. CHEMICAL MUNITIONS: The use of chemical agents, (CN/CS/OC) in furtherance of an operational objective.
6. GRENADIER: Officer assigned to deploy the NFDD or chemical munitions.
7. PRIMARY BREACHER: Officer assigned to mechanical breaching element of the operation.

Officers should recognize that the definitions above are not all inclusive, and many tactics/techniques beyond those listed could be considered, "high risk police tactics".

B. TRAINING

Certain HRPT require the completion of established training programs prior to their use. Specifically, no department member shall use the following high risk police tactics without prior completion of their respective training programs:

1. NFDD: Nixa Emergency Tactical Team in-service training program, with an instructor rating being encouraged and preferred. The training programs will include the recommended classroom and live fire exercises included in the approved instructor/trainer programs.
2. EXPLOSIVE TECHNIQUES: Blasters certification course and specialized training in explosive entry. The specialized training is a combination of practical and classroom instruction, provided through a program recognized by the National Tactical officers Associations explosive/breaching experts, or commercial explosive entry courses. The explosive breacher will also participate in regular, documented first hand training, in the preparation and use of explosive charges in tactical environment.
3. CHEMICAL MUNITIONS: Nixa Emergency Tactical Team end user training program, with an instructor rating being encouraged and preferred. The training programs will include the approved classroom and practical exercises included in the instructor/trainer programs.

C. AUTHORIZATION

The use of high risk police tactics should be proceeded with approval by the Nixa Emergency Tactical Team Unit Commander and/or Chief of Police. The Unit Commander and or Chief of Police will receive prior notification in all cases outside of emergency circumstances.

The Unit Commander and/or Chief of Police may elect to participate in the pre-deployment process. Operational control is relinquished to the Team Leader after the team has deployed.

D. DEPLOYMENT

The use of high risk police tactics will be done with regard for the safety of all persons involved in the situation, given the potential for injury to the involved persons, should the tactics not be employed. They should be used when they will likely assist in resolving a potentially dangerous police situation, with a reduced potential of death or serious physical injury for those involved. These decisions will also be made based on the department recognized Safety Priorities of those involved:

1. Hostages
2. Innocent Citizens
3. Officers
4. Suspects

The decision to deploy such tactics, and later determination of "correctness", will be based only on the information known at the time of the operation.

E. SPECIAL DEPLOYMENT CONSIDERATIONS:

1. NFDD: The use of a NFDD or explosive shall be limited to areas that have been visually inspected prior to deployment. The only exception to this is an operation in which the risk of inspection clearly outweighs the potential danger of, "blind deployment". The authority for such deployment requires prior Team leader and higher authorities approval, outside of emergency circumstances.

The Team Leader and officers assigned as grenadiers/primary breachers will consider the following prior to deploying a NFDD or explosive:

- a. Flammable materials at or near point of deployment.
- b. Location of persons, especially children or elderly, near the point of deployment.
- c. Other conditions which create an obvious safety hazard.

Upon determining that a NFDD or explosive will be used, the grenadier/primary breacher will consider the issue noted above, up to and including the time of actual deployment. The pre-raid briefing will include an avenue for the grenadier/primary breacher to deploy the devices to a safe area, should the chosen location be determined unsafe during the operation, ("coming out" location).

2. CHEMICAL MUNITIONS: All use of Chemical Munitions in tactical operations will be documented.

j) Standardization of equipment.

STANDARD OPERATOR EQUIPMENT INVENTORY:

Any operator assigned to SWAT will be equipped with the following items assigned to that operator and are encouraged to utilize and wear the equipment during training and on operations in accordance with department policies:

- National Institute of Justice (NIJ) rated Ballistic Vest and/or Plate Carrier
 - Misc. Gear Pouches
 - NIJ rated Ballistic Helmet
 - Weapon Systems
 - Handgun
 - Holster/Light/Magazines
 - Rifle
 - Optic/Sling/Light/Magazines
 - Communications Equipment
 - Radio, Headset, Earpiece, PTT (push to talk) switches
 - Protective Eyewear (Impact Resistant)
 - Hearing Protection
 - Elbow Pads
 - Knee Pads
 - Gloves
 - Deployment Uniform appropriate for the local climate and hazards
 - See attached NETT Uniform Designations APPENDIX J
 - Gas Mask with National Institute for Occupational Safety and Health (NIOSH) approved filters for the hazards they potentially could be exposed
 - Individual First Aid Kit (IFAK)
 - Tourniquet
 - Restraint devices
 - Less lethal option unless supported by team equipment
 - Taser, Mace, ASP etc.

Attachment: APPENDIX J – NETT Uniform Designations

NETT UNIFORM DESIGNATIONS APPENDIX J

SWAT B UNIFORM

All operators will always possess and maintain a serviceable SWAT B uniform. SWAT B uniforms will be the uniform of the day for deployments. The SWAT B uniform will consist of the following:

- (a) Black long-sleeve uniform combat shirt with front zipper and at least a front left breast cloth replica unit badge and shoulder patches on both arms in a consistent location.
- (b) Black BDU Uniform pants.
 - 1. Uniform and gear in all configurations other than black will be phased out starting 01/01/2020.
- (c) The combat shirt may be worn with the zipper open or closed and the collar either up or down as appropriate for any applicable hazards. The combat shirt sleeves may also be worn down or rolled up as long as not obstructing the unit patches as appropriate for the local climate.
- (d) If an undershirt is worn it must be black in color. Turtleneck and mock turtleneck undershirts may be worn.
- (e) The combat shirt and any base layers will be worn tucked in.
- (f) External suspenders are allowed.
- (g) Duty gear
- (h) Shinned footwear described in the section of these designations titled "Footwear."
- (i) Optional headgear is approved with this uniform.

SWAT C UNIFORM

Class C uniforms include an External Ballistic Plate Carrier. Class C uniforms will consist of the following:

- (a) Ranger green tactical plate carrier, with od green on black POLICE markings on front and back in consistent sizes and with consistent placement.
- (b) Black long-sleeve uniform combat shirt with front zipper and at least a front left breast cloth replica unit badge and shoulder patches on both arms in a consistent location.
- (c) SWAT B Black BDU Uniform pants.
 - 1. Uniform and gear in all configurations other than black will be phased out starting 01/01/2020.
- (d) If an undershirt is worn it must be black in color. Turtleneck and mock turtleneck undershirts may be worn.
- (e) The combat shirt and any base layers will be worn tucked in.
- (f) Approved SWAT gear may be worn on the vest in unit-approved ranger green or black gear pouches.
- (g) The duty pistol shall not be worn on the vest.
- (h) Shinned footwear described in the section of these designations titled "Footwear."
- (i) Optional headgear is approved with this uniform.

OPTIONAL NETT D CASUAL ATTIRE

The NETT D designation for optional casual attire may be utilized to allow members clothing during prolonged or specialized training or events as approved by the NETT Commander or his/her designee. The NETT D designation may consist of the following:

- (a) Nixa Police or NETT baseball cap T-shirts, polos, or hoodies
- (b) BDU or combat style shirts, in good condition, with no holes, patches or insignias
- (c) BDU or six-pocket style pants, slacks, or docker style pants in good condition, with no holes
- (d) Department issued weapon worn in a holster
- (e) Department issued badge
- (f) Shinned footwear described in the section of these designations titled "Footwear."
 - 1. Optional Black tennis with black laces are allowed
- (g) Optional headgear is allowed

OUTERWEAR

The following is a list of approved outerwear:

- 1. Black Unit Uniform Softshell Jacket and at least a front left breast cloth replica unit badge and shoulder patches on both arms in a consistent location.
- 2. Hi-Vis reversable parka
- 3. Black Raincoat
- 4. Black External Body armor carrier
 - 1. With non-reflective white on black Velcro backed "POLICE" on front and back
- 5. Gloves
 - 1. Black in color
 - 2. Leather or other manmade material
 - 3. Not weighted
 - 4. No overt logos, designs, or wordings
- 6. Overshoes (optional)
 - 1. Black in color
- 7. Head gear
 - 1. Baseball cap (optional)
 - (a) Plain Black
 - (b) Fitted or adjustable
 - (c) No overt logos, designs, or wordings
 - (d) various materials with or without mesh sides or back
 - (e) No eccentric styles (ie flat bills)
 - 2. Cold weather cap/beanie, earmuffs, headbands (optional)
 - (a) Plain black
 - (b) No overt logos, designs, or wordings
 - (c) with or without POLICE in white lettering on front
- 8. (Optional) Other black in color jackets and coats or inclement weather gear with no overt logos, designs, or wordings as approved by the NETT Commander

DUTY GEAR AND UNIFORM ACCESSORIES

Duty gear shall consist of the following:

Duty gear- Operators when wearing a SWAT B or SWAT C uniform will wear at minimum the following duty gear:

1. Duty belt
2. Holster
3. Handcuffs in a case
4. Two pistol magazines in a case
5. At least one less-lethal option unless supported by team equipment

FOOTWEAR

Footwear for SWAT B and C uniforms will conform to the following criteria:

- (a) Black in color with black laces and zipper as applicable
- (b) Plain rounded or square toe
- (c) All leather (smooth finish) or leather (smooth finish) with nylon or other manmade material upper
- (d) lace-up, zip up, or slip-on
- (e) Socks must be black in color and cover the exposed skin of the legs when in a seated position.

UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

NETT Members must get approval to wear any uniform item, accessory or attachment not specifically authorized in these designations from the NETT Commander or the authorized designee.

Only active NETT Members may wear any optional unit baseball cap, T-shirts, polos, or hoodies.

General Order 20-11.pdf



Nixa Police Department

P.O. Box 395
715 W. Center Circle
Nixa, Missouri 65714

Emergency: 911
Office: 417-725-2510
Fax: 417-725-0915



To: NPD – All

From: Chief Campbell

cc: N/A

Date: 08/10/2020

Re: General Order 20-11

The purpose of this General Order is to update the Employee Compensation and Overtime Program policy.

Specifically, our work period, court time, overtime, emergency call-in compensation and standby compensation has been updated to allow for various work periods within the police department.

Effective the date of this order the following Nixa Police Policies have been updated and are in full force:

- 1014 Employee Compensation and Overtime Program

This general order will be attached to each policy to which it pertains. This general order will be tracked and acknowledged similar to policy revisions within our Nixa Police Department Policy Manual.

**Nixa Police Department
Sunshine Law Policy Table.pdf**

Nixa Police Department Sunshine Law Policy Table

TYPE OF RECORD	DISPOSITION OF RECORD	VICTIM	SUSPECT	INSURANCE CO	GENERAL PUBLIC
INCIDENT REPORT (see Arrest Report regarding release of Suspect Information)		Open	Open	Open	Open
JUVENILE REPORT (SUSPECT)		Refer to Juvenile Court	Refer to Juvenile Court	Refer to Juvenile Court	Closed
INVESTIGATIVE REPORT	Investigation Active	Closed	Closed	Closed	Closed
	Charges Filed –Municipal Court	Open	Open	Open	Closed
	Investigation Inactive	Open	Open	Open	Open
	Charges Filed-Non-Municipal	Refer to Charging Court	Refer to Charging Court	Open	Refer to Charging Court
	Post Court-Non-Conviction	No Suspect Info	No Suspect Info	Open	Closed
	Post Court-Conviction (appeals exhausted)	Open	Open	Open	Open
	Post Court-SIS (appeals exhausted)	Open until SIS Expires	Open until SIS Expires	Open	Open until SIS expires
ARREST REPORT	Exception – Closed by Court or SIS (610.105)	Open	Open	Open	Open
	Post Court-Non-conviction	Closed	Closed	Closed	Closed
	Post Court-SIS	Open until SIS Expires	Open until SIS Expires	Open until SIS Expires	Open until SIS Expires
VEHICULAR REPORT				Open	Open
MEDICAL REPORT	Must Have Written Authorization	Open		Open	
SUICIDE/ DEATH REPORT	If under Investigation – Closed				
	Not Under Investigation-Release to Next of Kin or attorney representing estate with proper court documents				
FIRE REPORT	Non-Arson	Open		Open	Need to know basis
	Arson (Same as Investigative Report)			Open	
TRAFFIC SUMMONS	Pre-Court		Open	Open	Open
	Conviction		Open	Open	Open
	Non-Conviction		Open	Closed	Closed

****Closed records are open to persons involved when civil action is pending. This includes victim, suspect, owner of property (real or personal), insurance company and attorney of such. (610.100 subsection 4)**

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Law Enforcement Policy Manual

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