

# South Bend Police Department

## Policy Manual

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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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## **MISSION STATEMENT**

The most important call you'll ever be on, is the one you're on.

Treat the maintenance worker just like the CEO, and both like family.

Policing is the means justifying the ends, not the other way around.

The South Bend Police Department, in community partnership, will strive to protect the: life, property and personal liberties of all individuals. We believe that the overall quality of life for all persons will improve through the deterrence of criminal activity, and understanding the diversity of cultures within our community. Therefore, we pledge to deliver fair, impartial, and legitimate law enforcement service to all: Dignity/Respect/Fairness.

Chief of Police Scott Ruskowski

Excellence/Accountability/Innovation/Inclusion/Empowerment

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

## Law Enforcement Authority

### 100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the South Bend Police Department to perform their functions based on established legal authority.

### 100.2 POLICY

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

While this department recognizes the power of 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.

### 100.3 LAW ENFORCEMENT OFFICER POWERS

Certified members of this department are law enforcement officers and are vested expressly with authority to enforce criminal or traffic laws through the power of arrest and the preservation of public order, the protection of life and property, and the prevention, detection, or investigation of crime (I.C. § 5-2-1-2).

#### 100.3.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE SOUTH BEND POLICE DEPARTMENT

The arrest authority of officers within the jurisdiction of the South Bend Police Department includes (I.C. § 35-33-1-1):

- (a) In compliance with an arrest warrant.
- (b) When any misdemeanor or felony offense is being, or has been, committed in the officer's presence.
- (c) When there is has probable cause to believe that the offender has committed or attempted to commit a felony.
- (d) When the offender has interfered with:
  - (a) The reporting of the crime of domestic or family violence.
  - (b) The reporting of any other crime, calling 9-1-1, or obtaining medical assistance.
- (e) When the offender has been subject to a removal order issued by an immigration court.
- (f) When the offender has a detainer issued by the United States Department of Homeland Security.
- (g) When there is probable cause to believe that the offender has committed:
  - (a) A violation of the duties of a motorist involved in a motor vehicle accident.
  - (b) A violation involving operating a vehicle while intoxicated.
  - (c) A battery resulting in bodily injury.



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- (d) Domestic battery.
- (e) An invasion of privacy.
- (f) A violation of a non-contact order with a child or member of a foster family home.
- (g) A violation relating to carrying a firearm without a license or a violation relating to a counterfeit handgun license.
- (h) A violation of the terms of his/her probation.
- (i) A violation pertaining to the undisclosed transport of a dangerous device.
- (j) A theft.
- (k) As otherwise authorized by law.

#### **100.3.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE SOUTH BEND POLICE DEPARTMENT**

Officers outside the jurisdiction of the South Bend Police Department have the same arrest authority as if inside the jurisdiction of the South Bend Police Department (I.C. § 35-33-1-1).

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

Peace officer powers may be extended to other states:

- (a) As applicable under interstate compacts, memorandums of understanding, or mutual aid agreements in compliance with the laws of each state.
- (b) When an officer enters Michigan or Ohio in fresh pursuit of a felony suspect (MCL 780.101 (Michigan); ORC § 2935.30 (Ohio)); or enters Illinois in fresh pursuit of a suspect who has committed a felony or misdemeanor offense (725 ILCS 5/107-4 (Illinois)).

Whenever an officer makes an arrest in another state, the officer shall take the offender to a magistrate or judge in the county where the arrest occurred as soon as practicable (MCL 780.102; ORC § 2935.31; 725 ILCS 5/107-4).

#### **100.5 CONSTITUTIONAL REQUIREMENTS**

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

#### **100.5 ARREST AUTHORITY FOR MOTOR VEHICLE VIOLATIONS**

Officers may arrest or issue a traffic information and summons to a person when any of the following exist (I.C. § 9-30-2-2):

- (a) The officer is in uniform with a badge displayed or operating a clearly marked police vehicle.
- (b) The officer is in an unmarked vehicle, and:

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1. There is a uniformed officer present; or
2. The arrest or citation is for violation of:
  - (a) Reckless endangerment under I.C. § 9-21-8-52(a)(1)(A).
  - (b) Recklessly passing a school bus causing injury or death under I.C. § 9-21-8-52(b).
  - (c) Operating a motor vehicle while intoxicated in a manner endangering a person under I.C. § 9-30-5-2(b).

## 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 South Bend 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 position (I.C. § 5-4-1-1; Ind. Const. Art. 15 § 4).

[Oath of Office.pdf](#)

### 101.4 MAINTENANCE OF RECORDS

The oath of office shall be filed as prescribed by law (I.C. § 5-4-1-4; I.C. § 5-4-1-5.1).

# Policy Manual

## 102.1 PURPOSE AND SCOPE

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

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

## 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 that circumstances may arise that warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this department under the circumstances reasonably available at the time of any incident.

### 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 South Bend 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 administrative action, training or discipline. The South Bend Police Department reserves the right to revise any policy content, in whole or in part.

## 102.3 AUTHORITY

Amendments and rescissions to the manual are the competence of only the Chief of Police and the Board of Public Safety. Amendments and rescissions may be initiated by the Chief of Police or the Board of Public Safety. Adoption of such amendment and rescission however, will require the approval of both the Chief of Police and the Board of Public Safety. Department Directives, special orders or personnel changes are not to be understood as amendments or rescissions. 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.

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#### **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:

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

**City** - The City of South Bend.

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

**Department/SBPD** - The South Bend Police Department.

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

**ILEA** - Indiana Law Enforcement Academy.

**Manual** - The South Bend Police Department Policy Manual.

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

**Member** - Any person employed or appointed by the South Bend Police Department, including:

- Full- and part-time employees
- Certified law enforcement officers
- Reserve, auxiliary officers
- Civilian employees
- Volunteers.

**Minor** - Any individual under the age of 18 years (I.C. § 35-49-1-4).

**Officer** - Those employees, regardless of rank, who are certified law enforcement officers of the South Bend Police Department (I.C. § 5-2-1-2).

**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.

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

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

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

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

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The term “supervisor” may also include any person given responsibility for the direction of the work of others without regard to a formal job, title, rank or compensation.

#### **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 Division Chief will ensure that members under his/her command are aware of any Policy Manual revision.

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Division Chiefs, 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

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

### 200.2 POLICY

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

### 200.3 DIVISIONS

The Chief of Police is responsible for administering and managing the South Bend Police Department. There are three divisions in the department:

- Patrol Division
- Operations Division
- Support Division
- Support Services Section

#### 200.3.1 PATROL DIVISION

The Patrol Division is commanded the Patrol Division Chief, whose primary responsibility is to provide general management, direction and control for the Patrol Division. The Patrol Division is divided into details, and each detail is commanded by a Captain. The Patrol Division consists of uniformed patrol and specialty units within the Patrol Division.

#### 200.3.2 OPERATIONS DIVISION

The Operations Division is commanded by the Operations Division Chief, whose primary responsibility is to provide general management, direction and control for the Operations Division. The Operations Division consists of the Office of Professional Standards, Risk Management, Strategic Focus Unit and Training/Recruitment Bureau.

#### 200.3.3 SUPPORT DIVISION

The Support Division is commanded by the Support Division Chief, whose primary responsibility is to provide general management, direction and control for the Support Division. The Support Division consists of the Investigations Bureau and Logistics Bureau, specialty units within the Division are Support Services Section, crime analysis and forensic services.



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## Policy Manual

### *Organizational Structure and Responsibility*

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#### 200.3.4 SUPPORT SERVICES SECTION

The Support Services Section is commanded by an assigned Captain, whose primary responsibility is to provide general management, direction and control for the Support Services Section. The Support Services Section consists of technical and administrative services.

### **200.4 COMMAND PROTOCOL**

#### 200.4.1 SUCCESSION OF COMMAND

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

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

- (a) Operations Division Chief
- (b) Patrol Division Chief
- (c) Support Division Chief
- (d) On-duty Shift Supervisor

#### 200.4.2 UNITY OF COMMAND

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

### **200.5 AUTHORITY AND RESPONSIBILITIES**

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

## General Orders

### 201.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for issuing General Orders.

### 201.2 POLICY

General Orders will be used to modify policies of the South Bend Police Department when an immediate need to adapt a policy or procedure exists, in order to best meet the mission of the Department. Applicable collective bargaining agreements and other work agreements should be considered before a General Order is issued.

### 201.3 PROTOCOL

General Orders will be incorporated into the Policy Manual, as required, upon approval. General Orders will modify existing policies or create a new policy as appropriate and will be rescinded if/when incorporated into the manual.

The Logistics Bureau Division Chief or the authorized designee should ensure that all General Orders are disseminated appropriately. General Orders should be numbered consecutively and incorporate the year of issue. All members will be notified when a General Order is rescinded or has been formally adopted into the Policy Manual.

### 201.4 RESPONSIBILITIES

#### 201.4.1 COMMAND STAFF

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

#### 201.4.2 CHIEF OF POLICE

Only the Chief of Police or the authorized designee may rescind, approve or issue General Orders.

### 201.5 ACCEPTANCE OF DIRECTIVES

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

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# Emergency Operations Plan

## 202.1 PURPOSE AND SCOPE

This policy clarifies the role of the South Bend Police Department and responsibilities of its members pertaining to large-scale emergencies and the Indiana Emergency Operations Plan.

## 202.2 POLICY

The South Bend Police Department will prepare for large-scale emergencies within and outside its jurisdiction through planning and mutual cooperation with other agencies (I.C. § 10-14-3-9; I.C. § 10-14-3-10.8).

The City Emergency Operations Plan complies with the State of Indiana's Emergency Operation Plan. This plan provides guidance for City emergency operations within and outside its borders as may be required.

### 202.2.1 SOUTH BEND CODES/ORDINANCES

An emergency management organization has been established by the City of South Bend. This ordinance has been approved by the City Council (I.C. § 10-14-3-17).

## 202.3 DEPARTMENT RESPONSIBILITIES

The Department shall enforce the orders, rules and regulations issued pursuant to the Emergency Operations Plan (I.C. § 10-14-3-24).

## 202.4 ACTIVATING THE EMERGENCY OPERATIONS PLAN

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

Upon activation of the plan, the Chief of Police or the authorized designee should contact the St. Joseph County Emergency Management Agency and the Indiana Department of Homeland Security to assist with mutual aid response from local, state and federal law enforcement agencies.

### 202.4.1 RECALL OF PERSONNEL

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

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

## 202.5 LOCATION OF THE EMERGENCY OPERATIONS PLAN

Copies of the Emergency Operations Plan are available in Support Services Section, the Shift Supervisor's office and Communication Center. All supervisors should familiarize themselves with the Emergency Operations Plan and the roles members will play when the plan is implemented.

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### *Emergency Operations Plan*

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The Support Services Section Captain should ensure that department members are familiar with the roles they will play when the plan is implemented.

#### **202.6 EMERGENCY OPERATIONS PLAN REVIEW**

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

#### **202.7 AFTER-ACTION REPORTS**

After-action reports should be prepared for any natural or manmade disasters or unusual incidents, as determined by the Chief of Police. The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, which should include:

- (a) The date, time and description of the event.
- (b) The actions taken and outcomes (e.g., injuries, property damage, arrests, costs).
- (c) Any identified problems.
- (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.

## Training

### 203.1 PURPOSE AND SCOPE

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

### 203.2 POLICY

The Department shall administer a training program that will meet the standards of federal, state, local and the Indiana Law Enforcement Training Board training requirements. It is a priority of this department to provide continuing education and training for the professional growth and development of its members.

### 203.3 OBJECTIVES

The objectives of the training program are to:

- (a) Enhance the level of law enforcement service to the public.
- (b) Increase the technical expertise and overall effectiveness of department members.
- (c) Provide for continued professional development of department members.
- (d) Ensure compliance with Indiana Law Enforcement Training Board rules and regulations concerning law enforcement training.

### 203.4 TRAINING PLAN

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

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

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

The training requirements established by the Indiana Law Enforcement Training Board are only the minimum qualification standards and training requirements for officers. Additional training should be completed as necessary and appropriate (I.C. § 5-2-1-1).

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#### 203.4.1 GOVERNMENT-MANDATED TRAINING

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

- (a) Federally mandated training:
  - 1. National Incident Management System (NIMS) training
- (b) State-mandated training:
  - 1. Officers shall receive all required training prior to a law enforcement assignment (I.C. § 5-2-1-9; 250 I.A.C. 2-6-1; 250 I.A.C. 2-2-1).
  - 2. Officers shall complete all required in-service training (I.C. § 5-2-1-9; I.C. § 5-2-8-1; I.C. § 5-2-8-2; I.C. § 5-2-8-5; I.C. § 36-8-3-20; 250 I.A.C. 2-7-1).
  - 3. Part-time and reserve officers shall complete all required pre-basic and in-service training as required by state law (I.C. § 36-8-3-20; 250 I.A.C. 2-9-1; 250 I.A.C. 2-7-1; 250 I.A.C. 2-8-1).

#### 203.4.2 FAILURE TO COMPLETE IN-SERVICE TRAINING

If an officer or reserve officer fails to complete the required hours of in-service training in a calendar year as set forth in 250 I.A.C. 2-7-1, he/she should advise the Training Commander. The member in noncompliance shall be immediately suspended from exercising his/her police powers until the member has completed the necessary in-service training hours and met the additional requirements in 250 I.A.C. 2-7-4. The suspension of a member's police powers shall be documented in the member's training record (250 I.A.C. 2-7-4).

#### 203.5 TRAINING ATTENDANCE

- (a) All members assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences should be limited to:
  - 1. Court appearances.
  - 2. Previously approved vacation or time off.
  - 3. Illness or medical leave.
  - 4. Physical limitations preventing the member's participation.
  - 5. Emergency situations or department necessity.
- (b) Any member who is unable to attend training as scheduled shall notify his/her supervisor as soon as practicable but no later than one hour prior to the start of training and shall:
  - 1. Document his/her absence in an officer's report to his/her supervisor.
  - 2. Make arrangements through his/her supervisor or the Training Commander to attend the required training on an alternate date.

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#### **203.6 DAILY TRAINING BULLETINS**

The Lexipol Daily Training Bulletins (DTBs) are contained in a Web-accessed system that provides training on the South Bend 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 Commander.

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

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

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

#### **203.7 TRAINING RECORDS**

Officers shall provide a report each year to the Chief of Police regarding their annual in-service training status (I.C. § 5-2-1-1; 250 I.A.C. 2-8-1).

The Chief of Police shall submit a written report to the Executive Director of the Indiana Law Enforcement Training Board detailing the basic and in-service training status of each officer by March 31 each year (I.C. § 5-2-1-1).

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

## Electronic Mail

### 204.1 PURPOSE AND SCOPE

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

### 204.2 POLICY

South Bend Police Department members shall use email in a professional manner in accordance with this policy and current law (e.g., Indiana Access to Public Records Act).

### 204.3 PRIVACY EXPECTATION

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

### 204.4 RESTRICTIONS ON USE OF EMAIL

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

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

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

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

### 204.5 EMAIL RECORD MANAGEMENT

Email may, depending upon the individual content, be a public record under the Indiana Access to Public Records Act and must be managed in accordance with the established records retention schedule and in compliance with state law.

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



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## Administrative Communications

### 205.1 PURPOSE AND SCOPE

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

### 205.2 PERSONNEL ORDER

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

### 205.3 CORRESPONDENCE

All department letterhead shall bear the signature element of the Chief of Police. Official correspondence and use of letterhead requires approval of a supervisor. Department letterhead may not be used for personal purposes.

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

Electronic correspondence shall contain the sender's department-approved signature and electronic communications disclaimer language.

### 205.4 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 (see the General Orders Policy).

## Supervision Staffing Levels

### **206.1 PURPOSE AND SCOPE**

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

### **206.2 POLICY**

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

### **206.3 MINIMUM SUPERVISION STAFFING LEVELS**

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

#### **206.3.1 TEMPORARY SUPERVISORS**

In order to accommodate training and other unforeseen circumstances, the Chief of Police or the authorized designee may appoint a qualified lower-ranking member as a temporary supervisor in place of a regularly assigned supervisor.

## Retired Officer Identification Card

### 207.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of retired officer identification cards under the Law Enforcement Officers' Safety Act (LEOSA) and Indiana law (18 USC § 926C; I.C. § 35-47-15-1 et seq.).

### 207.2 POLICY

The South Bend Police Department will provide identification cards to qualified former or retired officers as provided in this policy.

### 207.3 LEOSA

The Chief of Police may issue a retired officer 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 a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.
- (c) Has not been disqualified for reasons related to mental health.
- (d) Has not entered into an agreement with this department where the officer acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.
- (e) Is not prohibited by federal law from receiving or possessing a firearm.

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

#### 207.3.2 AUTHORIZATION

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

- (a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:
  1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement

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agency to meet agency-established active-duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

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

#### **207.4 RETIRED OFFICER IDENTIFICATION CARD**

The Chief of Police shall issue a retired officer identification card:

- (a) To an officer who has retired from that agency as law enforcement officer (I.C. § 35-47-15-4).
- (b) With an endorsement to carry a concealed firearm to a person who has met the requirements of I.C. § 35-47-15-5.

If the department qualifies the retiree, the card may include the date that the person was qualified by the Department to carry a firearm in compliance with 18 USC § 926C(d)(1).

##### **207.4.1 AUTHORIZATION**

Qualified former officers with a retired officer identification card issued by the Department under state law may carry concealed, within this state, any firearm inspected and approved by the Department. The card does not itself authorize a retiree to carry a concealed firearm outside this state. The former officer must also meet state and LEOSA requirements.

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

A former officer with a card issued under this policy shall immediately notify the Shift Supervisor if he/she is arrested or convicted in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Arrests, Convictions and Court Orders Policy.

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

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

- (a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.
- (b) Remain subject to all applicable department policies and federal, state and local laws.

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- (c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.
- (d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

#### **207.5.2 RESPONSIBILITIES UNDER INDIANA LAW**

In order to maintain a retired officer identification card, the retired officer shall (I.C. § 35-47-15-5):

- (a) Qualify annually with the authorized firearm at a course approved by this department or by the state for active law enforcement officers in the state at the officer's expense.
- (b) Remain subject to all applicable department policies and federal, state and local laws.
- (c) Not engage in conduct that compromises public safety.

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

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

#### **207.7 FIREARM QUALIFICATIONS**

The Head Firearms Instructor may provide 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 Head Firearms Instructor will maintain a record of the qualifications and weapons used.

## **Chapter 3 - General Operations**

## Use of Force

### 300.1 PURPOSE AND SCOPE

This policy provides guidelines on the necessary and reasonable use of force. Every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, necessary, reasonable, and ethical manner, as trained.

All officers of the South Bend Police Department ("SBPD") shall recognize and respect the value of all human life and dignity without prejudice. SBPD acknowledges the responsibility behind vesting officers with the authority to use reasonable and necessary force and to protect the public welfare, which requires monitoring, evaluation, and a careful balancing of all interests.

#### 300.1.1 DEFINITIONS

Definitions related to this policy include:

**Deadly force** – Force that creates a substantial risk of serious bodily injury. (I.C. § 35-31.5-2-85).

This is the highest level of force and is authorized only as a last resort.

**De-escalation** – Actions to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources are available to resolve the situation through the voluntary compliance of subjects, when feasible, and to reduce or eliminate the necessity of force.

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

**Force** – The application of physical techniques or tactics, chemical agents, or weapons by an officer to another person in performance of official duties, including the intentional aiming of a firearm at a person. Minimal force is excluded from this definition, such as when a person is searched, escorted, handcuffed, or restrained.

**Imminent threat** – An officer's objectively reasonable assessment of impending risk of death or serious bodily injury to the officer or another person from any action or outcome that may occur during an encounter. A person may pose an imminent or impending threat even if the person is not at that very moment pointing a weapon at the officer. For example, the person is reaching for a weapon, is running for cover with a weapon or to a place where the officer reasonably believes a weapon is available to gain a tactical advantage, or is attempting to cause serious bodily injury or death without a weapon and has an objectively reasonable ability of doing so. A person poses an imminent threat if the officer reasonably believes that the person has the present means, opportunity, and ability to complete the threat and that the threatened action is ready to take place, regardless of whether the threatened action has been initiated.

**Minimal Force** – Physical interaction meant to separate, guide, or control that is reasonably unlikely to cause pain or injury.

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**Necessary** – No reasonably effective alternative to the use of force appeared to exist based on the totality of the circumstances known to the officer at the time of the use of force, and the amount of force used was reasonable to effect the intended lawful purpose.

**Objectively Reasonable** – In accordance with *Graham v. Connor*, an objectively reasonable action or assessment is based on the totality of the circumstances known by the officer at the time of the event to accomplish a legitimate law enforcement purpose. An officer's actions must be judged from the perspective of what a reasonable officer would consider necessary and reasonable under the same or similar situation at the time of the incident. The determination of reasonableness is not based on the 20/20 vision of hindsight but rather the totality of facts and circumstances at the time of the event without regard to subjective intent or motivation.

**Proportional** – The reasonably appropriate level of force, including no usage of force, in relation to the totality of the circumstances confronting the officer that is consistent with training. Proportional does not mean the same type or equivalent level of force that the officer encounters. The more immediate the threat and the more likely the situation will result in death or serious bodily injury, the greater the level of force that may be required to counter it. The appropriate level of force decreases as the threat lessens and is the minimum amount of force necessary.

### **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. All officers of the South Bend Police Department (“SBPD”) shall uphold the Constitution of the United States and the State of Indiana and defend the civil rights and dignity of all individuals, while protecting human life and property and maintaining civil order.

Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use objectively reasonable force (*Graham v. Connor*), consistent with Department training, 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 the use of force while engaged in the performance of law enforcement duties.

It is the policy of the SBPD to accomplish its mission effectively, in cooperation with the public, and with minimal reliance on the use of physical force. The community expects, and SBPD requires, that officers use de-escalation techniques when safe and feasible and use force only when necessary and reasonable to perform their duties and that all use of force is proportional to the level of threat or resistance by a subject under the totality of circumstances.



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All officers are committed to respect, professionalism, and protection of all human life even when use of force is necessary. Officers who violate these values damage trust with the community and may expose SBPD and fellow officers to legal and physical hazards. Conversely, officers who fail to use timely, necessary and reasonable force may endanger themselves, the community, and fellow officers.

#### **300.2.1 DUTY TO INTERCEDE**

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable and necessary under the circumstances, or is in violation of SBPD policy, has an affirmative duty to intercede and immediately shall intercede to prevent or stop the use of unreasonable, unnecessary, or excessive force. Failure to intercede when required will result in a violation of this policy and disciplinary action.

#### **300.2.2 DUTY TO REPORT VIOLATIONS**

Any officer who directly observes another employee use force that exceeds the degree of force permitted by law, training, or ethics, or any officer who has direct or indirect knowledge of a violation of this policy, shall report these observations or the knowledge of a violation to a supervisor as soon as practical. Failure to report as required will result in a violation of this policy and disciplinary action.

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

Officers shall only use that amount of force that is objectively reasonable, necessary, and proportional to bring an incident or person under control for a legitimate law enforcement purpose.

The objective reasonableness of a use of force is based on the totality of the circumstances known by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The use of force must be judged from the perspective of what a reasonable officer would use under the same or similar situation at the time of the incident ( ***Graham v. Connor*** ).

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 is reasonably necessary and proportional to the threat 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 must rely on their training, experience, and assessment of the situation in determining the appropriate use of force in each incident.

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De-escalation is important and takes priority when safe and feasible. Prior to using force, legitimate and reasonable de-escalation and/or conflict resolution measures shall be taken. See **300.3.1 – De-escalation**.

While de-escalation, conflict resolution, or other verbal deterrence or distancing measures should always be the first tools an officer uses, 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 officer shall make it a priority to call for assistance as soon as practicable.

Officers shall reassess the appropriate level of force as the situation changes. When the threat, resistance, or incident is under control, the use of force must stop.

#### 300.3.1 DE-ESCALATION

Officers shall attempt to de-escalate situations and use de-escalation tactics to reduce the need for force when safe and feasible under the totality of circumstances. An objective of every law enforcement encounter is to avoid or minimize injury. Nothing in this policy requires an officer to be exposed to physical injury before applying reasonable and necessary force.

During any encounter, officers shall conduct a threat assessment continually to avoid placing themselves or others in undue jeopardy.

Officers shall use de-escalation techniques, when safe and feasible, according to their respective training and experience that may include, but are not limited to, the following reference examples of de-escalation:

- Evaluating safety conditions;
- Using communication to gain voluntary compliance through persuasion, advice, or instructions;
- Introducing themselves and offering assistance;
- Demonstrating active listening skills (i.e., summarizing the person's verbal communication);
- Identifying barriers for cover and concealment purposes and placing the barriers between uncooperative subjects and officers when safe and feasible;
- Creating distance to maximize tactical advantage or reaction time;
- Removing distractions or disruptive people from the area;
- Providing verbal warning prior to necessary use of force when feasible;
- For instances where it is appropriate, utilizing methods laid out in SBPD Crisis Intervention Policy 410;

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- Providing for sufficient avenues of tactical retreat or escape for officers should the situation become volatile; or
- Providing a reasonable amount of time to comply.

When a situation does not require the use of force, officers generally should **not** :

- Use untrained stances or tactics;
- Allow others to interrupt or engage the person in a manner inconsistent with conflict resolution training and tactics;
- Argue, speak with a raised voice, or use threats to obtain compliance; or
- Act in a manner that antagonizes, aggravates, or elevates the incident or situation.

#### 300.3.2 LEGITIMATE LAW ENFORCEMENT OBJECTIVES

SBPD Officers shall only use reasonable force for legitimate law enforcement objectives (I.C. § 35-41-3-3), including:

- (a) Effect a lawful arrest;
- (b) Prevent escape;
- (c) Prevent physical assault or harm to others or oneself; or
- (d) Accomplish any other law enforcement duty.

#### 300.3.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

- (a) Immediacy and severity of the threat to others or officers;
- (b) The conduct of the individual being confronted, as reasonably believed 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, or the number of officers available to assist);
- (d) The effects of drugs or alcohol;
- (e) Individual's mental state or capacity;
- (f) Proximity of weapons or dangerous improvised devices;
- (g) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained;
- (h) The availability of other options and their possible effectiveness;
- (i) Seriousness of the suspected offense or reason for contact with the individual;
- (j) Training and experience of the officer;

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- (k) Potential for injury to those involved or others;
- (l) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer;
- (m) The risk and reasonably foreseeable consequences of escape;
- (n) The apparent need for immediate control of the individual or a prompt resolution of the situation in order to prevent further escalation, injury, or damage;
- (o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others;
- (p) Prior contacts with the individual or awareness of any propensity for violence; or
- (q) Any other exigent circumstances, which must be clearly articulated in reporting.

#### 300.3.4 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 shall consider:

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

The application of any pain compliance technique shall be discontinued once compliance has been achieved.

Officers shall not restrain subjects who are in custody and under control in a manner that restricts their ability to breathe.

#### 300.3.5 CAROTID ARTERY, AND/OR NECK RESTRAINTS (CHOKEHOLDS/STRANGLEHOLDS)

Carotid artery or neck restraints (chokeholds or strangleholds) in any form are prohibited and shall not be used by officers, except when deadly force is required to preserve the life of the officer or others. While chokeholds or strangleholds may not always be applications of deadly force, for purposes of this use of force policy, SBPD considers these types of restraints as deadly force, and they shall not be taught in defensive tactics. For SBPD, any use of deadly force is always a last resort option.

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Carotid artery restraints, and neck restraints, or vascular neck holds (also known as chokeholds or strangleholds) create a high risk of injury or potential death when improperly applied. Any form of carotid artery, or neck, or vascular neck restraints, or any hold that blocks the airway is prohibited.

**Carotid Artery Restraint:** Any technique which is applied in an effort to control or disable a subject by applying pressure to the carotid artery, the jugular vein, or the sides of the neck with the purpose or intent or effect of controlling a subject's movement or rendering a subject unconscious by constricting the flow of blood to and from the brain by compressing the carotid sheaths on the side of the neck. A carotid restraint is an intentional, controlling force application.

**Neck Restraint:** Any technique involving the use of an arm or other firm object to attempt to control or disable a subject by applying pressure against the windpipe, or the frontal area of the neck with the purpose or intent or effect of controlling a subject's movement or rendering a subject unconscious by blocking the passage of air through the windpipe. A neck restraint is an intentional, controlling force application.

#### **300.4 DEADLY FORCE**

Use of deadly force is prohibited except as a last resort in the following circumstances when an officer reasonably believes the use of deadly force is necessary

to protect against an imminent threat of death or serious bodily injury to the officer or another person.

In the case of a fleeing subject, deadly force may only be used as a last resort, when the officer:

1. Has probable cause to believe that the individual is committing, has committed, or is about to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death;
2. Reasonably believes that there is an imminent threat of serious bodily injury or death to any other person if the individual is not immediately apprehended; and
3. That the use of deadly force does not increase substantial risks to innocent persons.

Under such circumstances, a verbal warning shall precede the use of deadly force, where feasible (I.C. § 35-41-3-3). Officers shall identify themselves as an officer and provide a verbal warning that deadly force may be used prior to the use of deadly force, whenever feasible.

#### **300.4.1 SHOOTING AT OR FROM MOVING VEHICLES**

Except in extreme circumstance(s), shooting at or from a moving vehicle or its occupants is prohibited. Officers shall move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer shall only discharge a firearm at a

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moving vehicle or its occupants when there are no other reasonable means available to avert the imminent threat of the vehicle or its occupants. Any shooting at or from a moving vehicle shall be examined closely on a case-by-case basis. Officers shall expect strict scrutiny and shall report clearly articulated reasons for any deviation from this prohibition.

#### **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. The officer shall articulate in his/her report:

- (a) The factors perceived and known;
- (b) What steps, if any, the officer took prior to the use of force; and
- (c) Why he/she believed the use of force was reasonable and necessary under the circumstances.

To collect data for purposes of training, internal affairs, resource allocation, analysis, transparency, community trust and related purposes, the Department requires the completion of an additional Use of Force form, as specified in orders, department policy, procedure, or law.

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

Supervisory notification shall be made as soon as practicable following the application of force, including the intentional aiming of a firearm at an individual, but excluding minimal force, and under any of the following circumstances:

- (a) The application caused a visible injury;
- (b) The individual subjected to the force complained of injury or continuing pain;
- (c) The individual indicates intent to pursue litigation;
- (d) Any application of the Conducted Energy Weapon System or control device;
- (e) Any application of a restraint device other than handcuffs, leg restraints, or flexible-cuffs;
- (f) The individual subjected to the force was rendered unconscious;
- (g) An individual was struck or kicked; or
- (h) An individual alleges any of the above has occurred.

#### **300.6 MEDICAL CONSIDERATIONS**

Following a use of force, when safe and feasible, officers shall evaluate any injuries from the use of force, request or seek emergency medical services as needed, and provide aid as trained. When safe and feasible, officers have a duty to monitor individuals for potential medical intervention in relation to a use of force.

Prior to booking or release, 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 not be left alone and should be continuously monitored until he/she can be

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medically assessed. 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, influence of alcohol or controlled substance, controlled substance ingestion, etc.).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain, or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons shall be considered medical emergencies. Officers who reasonably suspect a medical emergency shall request or seek medical assistance as soon as practicable and have medical personnel stage away (see the Medical Aid and Response Policy 429).

### **300.7 SUPERVISOR RESPONSIBILITIES**

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;
- (b) Ensure that any injured parties are examined and treated promptly;
- (c) Ensure all appropriate reports and forms are completed; and
- (d) 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 or to ensure that the items are completed and forwarded to Internal Affairs immediately upon completion.

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#### **300.7.1 SHIFT SUPERVISOR RESPONSIBILITY**

The Shift Supervisor, or the authorized designee, shall review each use of force by any personnel within his/her command to ensure immediate compliance with this policy and to address any training, policy, or behavioral issues. Every use of force shall be immediately forwarded to IA/OPS.

#### **300.8 TRAINING**

Officers will receive mandated training on this policy at least biannually, must regularly review this policy at least quarterly, and must demonstrate their knowledge and understanding of this policy.

All use of force training must be documented and reflect current standards established by statutory and case law, as well as state, county, and departmental policies, directives, and guidelines.

Training will include de-escalation tactics and their importance to reducing the need for physical force, simulate actual situations and conditions for de-escalation and use of force (scenario-based), and enhance officers' ability to make split-second decisions in accordance with all policies and directives.



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

### 301.3.2 RESTRAINT OF PREGNANT PERSONS

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

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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 shall generally 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 person (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.

In most situations, handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists. The arrest or Code 1 report should reflect that the handcuffs were double-locked, and if not, the reason why they were not double-locked.

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

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

#### **301.5 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.

#### **301.6 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.

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

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

#### **301.6.1 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.
- (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 emergency medical services, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

#### **301.7 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:

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- (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.

#### **301.8 TRAINING**

Subject to available resources, the Training Captain 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.
- (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.

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## Control Devices

### 302.1 PURPOSE AND SCOPE

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

In addition to the control devices described below, control devices used by the South Bend Police Department include a 40mm single and multi-shot launcher, hand-deployed chemical agents, 12-gauge specialty impact munitions (12-gauge drag stabilized bean-bag round) diversionary devices (SWAT use only), impact weapons, ferret/barricade chemical munitions and hand-held oleoresin capsicum (OC).

### 302.2 POLICY

In order to control individuals who are non-compliant, the South Bend Police Department authorizes officers to use control devices in accordance with the guidelines in this policy, department training and the Use of Force Policy. The Chief of Police may also authorize other positions or individual department members to use specific control devices.

### 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.

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

Control devices may be used when a decision has been made to control, dislodge, disorient, detect, deny, deter, restrain or arrest a person who is non-compliant and the use of the device appears objectively reasonable under the circumstances. Generally, when reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

### 302.4 RESPONSIBILITIES

#### 302.4.1 CHIEF OF POLICE RESPONSIBILITIES

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

#### 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 Chief of Police or

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the authorized designee for disposition in accordance with the manufacturer's recommendations. Documentation shall also be forwarded through the chain of command, when appropriate, explaining the cause of damage.

#### **302.5 BATON GUIDELINES**

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

The South Bend Police Department authorizes the use of the expandable baton. When carrying the authorized baton, uniformed personnel shall carry the baton in its authorized holder. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignments or at the direction of their supervisors.

#### **302.6 CHEMICAL MUNITIONS GUIDELINES**

Chemical munitions may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Shift Supervisor, Incident Commander or Special Weapons and Tactics Team Commander or the authorized designee may authorize the delivery and use of chemical munitions, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire and emergency medical services personnel should be alerted or summoned to the scene prior to the deployment of chemical munitions 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, OC spray may be considered for use to dislodge, disorient, detect, deny, deter or bring under control an individual or group of individuals who are non-compliant or who reasonably appear to be a risk to officers or civilians. OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of department members or the public.

##### **302.7.1 OC SPRAY**

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

##### **302.7.2 TREATMENT FOR OC EXPOSURE**

Persons who have been sprayed with or otherwise affected by the use of OC should be removed from the area as soon as practicable and decontaminated in accordance with department training. Those who request medical treatment, or who complain of further severe effects shall be examined by appropriate medical personnel.

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### **302.8 POST-APPLICATION NOTICE**

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

### **302.9 SPECIALTY IMPACT MUNITIONS GUIDELINES**

Special impact munitions, when used properly, are less likely to result in death or serious physical injury and can be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

#### **302.9.1 DEPLOYMENT AND USE**

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

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

#### **302.9.2 DEPLOYMENT CONSIDERATIONS**

The discharge of specialty impact or chemical munitions should be in accordance with department training.

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 subject 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 specialty impact munitions will be specially marked in a manner that makes them readily identifiable as such.

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When they are not deployed, shotguns will be unloaded and properly and securely stored in police department vehicles. When deploying a specialty impact munitions shotgun, officers shall visually inspect the specialty impact munitions to ensure that conventional ammunition is not being loaded into the shotgun.

Absent compelling circumstances, officers who must transition from conventional ammunition to specialty impact munitions 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.

#### **302.10 REPORTING USE OF CONTROL DEVICES**

Any application of a control device shall be documented in the appropriate form 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 the Conducted Energy Weapon System.

### 303.2 POLICY

The Conducted Energy Weapon System is used to control violent, potentially violent or physically uncooperative individuals. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

### 303.3 ISSUANCE AND CARRYING CONDUCTED ENERGY WEAPON SYSTEMS

Only members who have successfully completed department-approved training may be issued and may carry the Conducted Energy Weapon System.

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

Officers shall only use the Conducted Energy Weapon System and cartridges that have been issued by the Department. Officers who have been issued the Conducted Energy Weapon System shall wear the device in an approved holster.

Members carrying the Conducted Energy Weapon System should perform a spark test prior to every shift.

When carried, officers shall carry the Conducted Energy Weapon System in a weak-side holster on the side opposite the duty weapon.

- (a) All Conducted Energy Weapon Systems 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 Conducted Energy Weapon System.
- (c) Officers shall be responsible for ensuring that the issued Conducted Energy Weapon System is properly maintained and in good working order.
- (d) Officers should not hold a firearm and the Conducted Energy Weapon System at the same time.

### 303.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the Conducted Energy Weapon System 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.

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- (b) Provide other officers and individuals with a warning that the Conducted Energy Weapon System may be deployed.

If, after a verbal warning, an individual fails to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required, to display the electrical arc (provided that a cartridge has not been loaded into the device) or the laser in a further attempt to gain compliance prior to the application of the Conducted Energy Weapon System. The aiming laser should not be intentionally directed into anyone's eyes.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the Conducted Energy Weapon System in the related report and form.

#### **303.5 USE OF THE CONDUCTED ENERGY WEAPON SYSTEM**

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

##### **303.5.1 APPLICATION OF THE CONDUCTED ENERGY WEAPON SYSTEM**

The Conducted Energy Weapon System 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 Conducted Energy Weapon System to apprehend an individual.

The Conducted Energy Weapon System shall not be used to psychologically torment, to elicit statements or to punish any individual.

##### **303.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS**

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

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.

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- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained unless subject is, at a minimum, acting in a manner that may cause injury to the subject or officers, or the subject's actions may damage police and/or public property resulting in the chance to escape police custody.
- (e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles, submerged in a body of water).

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

#### 303.5.3 TARGETING CONSIDERATIONS

The preferred targeting areas include the individual's back or front lower-center mass. The head, neck, chest and groin should be avoided when reasonably practicable. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the Conducted Energy Weapon System 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 CONDUCTED ENERGY WEAPON SYSTEM

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

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

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

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#### **303.5.5 ACTIONS FOLLOWING DEPLOYMENTS**

Officers should take appropriate actions to control and restrain the individual to minimize the need for longer or multiple exposures to the Conducted Energy Weapon System. As soon as practicable, officers shall document in the appropriate reports and forms any time the Conducted Energy Weapon System has been discharged. The cartridge serial number should be documented in the appropriate reports and forms.

#### **303.5.6 DANGEROUS ANIMALS**

The Conducted Energy Weapon System 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**

Unless working an authorized off-duty job, officers are not authorized to carry department Conducted Energy Weapon Systems while off-duty.

Officers shall ensure that Conducted Energy Weapon Systems 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 Conducted Energy Weapon System discharges in the related arrest reports and the Use of Force form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device, other than for testing purposes, will also be documented on the report form.

#### **303.6.1 USE OF FORCE REPORT FORM**

Items that shall be included in the Use of Force form are:

- (a) The type and brand of Conducted Energy Weapon System and cartridge and cartridge serial number.
- (b) Date, time and location of the incident.
- (c) The number of Conducted Energy Weapon System 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 type of mode used (probe or drive-stun).
- (e) Location of contact in drive-stun mode.
- (f) Whether medical care was provided to the subject.
- (g) Whether the subject sustained any injuries.
- (h) Whether any officers sustained any injuries.

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The Office of Risk Management shall analyze the forms to identify trends, including deterrence and effectiveness. The Office of Risk Management should also conduct audits of data downloads and reconcile Use of Force forms with recorded activations.

#### 303.6.2 REPORTS

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

- (a) Identification of all personnel firing Conducted Energy Weapon Systems
- (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
- (f) Whether any display, laser or arc deterred a subject and gained compliance.
- (g) Location of any probe impact.

#### 303.7 MEDICAL TREATMENT

Only trained police personnel may remove probes. However, police must contact qualified medical personnel to remove probes if the probes have been deployed in the subject's head, face, neck, groin/genital area, women's breasts or the probes are difficult to remove. Used Conducted Energy Weapon System 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 Conducted Energy Weapon System probes or who have been subjected to the electric discharge of the device or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. The medical assessment may be conducted by a paramedic at the scene, the jail nurse or other qualified medical professional. 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 may be pregnant.
- (b) The person reasonably appears to be in need of medical attention.
- (c) The Conducted Energy Weapon System probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (d) 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.

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

#### **303.8 SUPERVISOR RESPONSIBILITIES**

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the Conducted Energy Weapon System may be used. When requested, a supervisor should respond to all incidents where the Conducted Energy Weapon System was activated.

A supervisor should review each incident where a person has been exposed to an activation of the Conducted Energy Weapon System. The device's onboard memory should be downloaded through the data port by a supervisor or Head Firearms Instructor and saved with the related arrest/crime report.

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## 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 South Bend 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

The Saint Joseph County Metro Homicide Unit (CMHU), comprised of investigators from surrounding agencies will 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.

#### 304.4.1 CRIMINAL INVESTIGATIONS OF OFFICER ACTIONS

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

#### 304.4.2 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.

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#### 304.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved SBPD 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 SBPD 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 SBPD 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.
  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 Communication Center. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional SBPD 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.
  - (a) Each involved SBPD officer should be given an administrative order not to discuss the incident with other involved officers or SBPD members pending further direction from a supervisor.
  - (b) 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 transported by other officers. The Commander of the Services Division shall be contacted and



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the authorized designee will issue the involved SBPD officer a replacement duty weapon. The officer will be instructed that he/she will be contacted for re-qualifying with the new weapon while their weapon is in the possession of the CMHU. When CMHU is ready to release the officer's weapon it will first be released to the Commander of the Services Division or the authorized and then re-issued to the officer.

#### 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 by the Chief of Police, a Division Chief or CMHU

All outside inquiries about the incident shall be directed to the commander or the authorized designee of the CMHU.

#### 304.5.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Support Division Chief
- Patrol Division Chief
- CMHU
- Office of Professional Standards supervisor
- Critical Incident Stress Management (CISM) Team
- Chaplain
- Coroner (if necessary)
- Involved officer's agency representative (if requested)
- Public Information Officer
- Commander, Support Services Division

#### 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 SBPD 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-SBPD officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications (I.C. § 34-46-3-1).

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- (c) Discussions with agency representatives 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 SBPD officer. A licensed psychotherapist may also be provided to any other affected SBPD members, upon request.
  - 1. Interviews with a licensed psychotherapist will be considered privileged (I.C. § 34-46-3-1).
  - 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 critical incident stress management services providers are generally confidential and may not be disclosed to a third party or in a criminal, civil, or administrative proceeding without a court order or as authorized by I.C. § 36-8-2.5-2.

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

If requested by CMHU, investigative personnel from this department may be assigned to partner with investigators from CMHU.

Once public safety issues have been addressed, CMHU investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The involved member shall be given the opportunity to make a statement at that time or at a later date, but in any event, within 72 hours. Before giving any statement, an involved member shall be given the opportunity to review his/her MVR and CAD entries.

The following shall be considered for the involved officer:

- (a) SBPD supervisors and Office of Professional Standards personnel should not participate directly in any voluntary interview of SBPD officers. This will not prohibit such personnel from monitoring interviews or indirectly providing 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 CMHU investigators. However, in order to maintain the integrity of each involved officer's

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individual statement, involved officers shall not consult or meet with a representative or attorney collectively or in a group 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 CMHU investigators, the 72-hour rule applies.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including an administrative investigation. However, no administratively coerced statement will be provided to any CMHU investigators unless the officer consents.

#### 304.6.1 REPORTS BY INVOLVED SBPD OFFICERS

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

While the involved SBPD officer may write a 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 SBPD 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 CMHU investigators to utilize available law enforcement personnel for the following:

- (a) Identification of all persons present at the scene and in the immediate area.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet or be transported to the CMHU office where CMHU investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.

#### 304.6.3 INVESTIGATIVE PERSONNEL

All related department reports and forms, except administrative and/or privileged reports and/or forms, will be forwarded to the designated supervisor for approval. Privileged reports and forms

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shall be maintained exclusively by members who are authorized such access. Administrative reports and forms will be forwarded to the appropriate Division Chief.

#### **304.7 ADMINISTRATIVE INVESTIGATION**

In addition to all other investigations associated with an officer-involved shooting, this department will conduct an internal administrative investigation of involved SBPD officers to determine conformance with department policy. This investigation will be conducted under the supervision of the Office of Professional Standards and will be considered a confidential officer OPS personnel file.

Interviews and interrogations 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 CHMU 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 should be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved officer has elected not to provide CHMU 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. The 72-hour and MVR/CAD rules indicated in this policy apply.
  - 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 to determine policy compliance only and that the statement cannot be used criminally.

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5. The Office of Professional Standards shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.
8. The administrative investigation may request completion of a polygraph or other truth telling device examination, but only with the member's consent.

#### **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 shall be permitted to review available Mobile Audio/Video (MAV), body-worn video, CAD entries or other video or audio recordings prior to providing a recorded statement or completing reports.

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

#### **304.10 DEBRIEFING**

Following an officer-involved shooting or death, the South Bend Police Department should 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. The Patrol Division Chief is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law or a valid court order.

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Attendance at the debriefing should only include those members of the Department directly involved in the incident, which can include involved support personnel. 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 Office of Professional Standards 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 the CMHU and/or administrative investigators.

#### **304.11 MEDIA RELATIONS**

Media releases are generally prepared and disseminated by CMHU.

No SBPD member shall make any comment to the media unless he/she is authorized by the Chief of Police, PIO or CMHU.

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 Chief of Police, PIO or CMHU.

## Firearms

### 305.1 PURPOSE AND SCOPE

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

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

### 305.2 POLICY

The South Bend 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.

### 305.3 AUTHORIZED FIREARMS AND AMMUNITION

Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by a firearms instructor. Except in an emergency or as directed by a supervisor, no firearm shall be carried by an on-duty member who has not qualified with that firearm at an authorized department range.

#### 305.3.1 HANDGUNS

The authorized department-issued handguns include the following:

MAKE	MODEL	CALIBER
Smith and Wesson	M&P Series (Full size or Pro only)	9mm,.40 or.45 caliber
Glock	17, 19, 21, 22, 23, 34, 35 and 41	9mm,.40 or.45 caliber
Sig Sauer (see below)	P-series, double action	9mm,.40 or.45 caliber

Any officer who was originally trained and/or issued, at SBPD, a Sig Sauer P-series handgun is grandfathered and may carry a personally owned Sig Sauer P-series handgun in 9mm,.40 or.45 caliber.

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Any duty handgun must be of black finish and equipped with tritium night sights. Officers shall not alter authorized duty weapons outside of factory specifications for law enforcement. Alterations to handgun grips and the addition of night sights are acceptable modifications.

Authorized duty handguns will only be loaded with department-approved duty ammunition while on duty.

#### 305.3.2 SHOTGUNS

The authorized department-issued shotguns include the following:

MAKE	MODEL	CALIBER
Remington	870	12-gauge
Benelli (SWAT only)	M1, M4	12-gauge
Remington (SWAT only)	1187	12-gauge

When not deployed, the department-issued shotgun shall be properly secured consistent with department training. If a locking weapons rack is available in the department-issued vehicle, the shotgun shall be stored in the locking weapons rack. If not available, then the shotgun must be secured in the trunk of the vehicle. Members of the department's SWAT team are authorized to carry and utilize any other firearm or weapon authorized by the SWAT commander.

#### 305.3.3 DEPARTMENT-ISSUED RIFLES

The authorized department-issued rifles include the following:

MAKE	MODEL	CALIBER
Various	M-16, M-4 style	.223 caliber/5.56 mm
H&K (SWAT only)	MP-5	9mm
Remington (SWAT only)	700	308 caliber
Springfield (SWAT only)	M-14	308 caliber

Members may deploy the department-issued rifle in any circumstance where the member can articulate a reasonable explanation for why the rifle is needed and its use is consistent with department training.



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When not deployed, the department-issued rifle shall be properly secured consistent with department training. If a locking weapon rack is available in the department-issued vehicle, the rifle shall be stored in the locking weapons rack. If not available, then the rifle must be secured in the trunk of the vehicle. Members of the department's SWAT team are authorized to carry and utilize any other firearms authorized by the SWAT commander.

#### **305.3.4 PERSONALLY OWNED DUTY FIREARMS**

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

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

#### **305.3.5 AUTHORIZED OFF-DUTY FIREARMS**

Any officer working a part-time job in law enforcement or security capacity, and representing themselves as a police officer, will only carry department-issued or authorized weapons.

#### **305.3.6 AMMUNITION**

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

Members shall provide ammunition of the approved type for carrying personally owned authorized duty firearms. Members shall provide ammunition for training with department-approved duty firearms.

### **305.4 EQUIPMENT**

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

#### **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 a firearms instructor.

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

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

#### 305.4.2 HOLSTERS

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

### **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 carelessly display or handle any firearm, especially in a manner that contradicts their training.
- (b) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where a clearing station is present.
- (c) 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. It shall be promptly presented to a firearms instructor approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by a firearms instructor will be immediately removed from service and reported to the Support Services Division. 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

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

#### 305.5.2 STORAGE AT HOME

Members shall ensure that all department-issued firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in civil and criminal liability (I.C. § 35-47-10-6).

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#### 305.5.3 ALCOHOL AND DRUGS

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

#### 305.6 NON-CERTIFICATION OR NON-QUALIFICATION

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

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

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

#### 305.7 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall notify 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.

#### 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. Officers, exercising all safety considerations, are authorized to use their firearms to end the suffering of an injured animal.

#### 305.8 FIREARM INSTRUCTOR DUTIES

Range training will be under the control of the Head Firearms Instructor or the authorized designee. The Head Firearms Instructor or the authorized designee will be responsible for documentation of range training, including training rosters and lesson plans. The Captain of Support Services or the authorized designee will oversee issuing of ammunition as well as overseeing the department ammunition supply.

The Head Firearms Instructor or the authorized designee has the authority to deem any department-issued or personally-owned firearm unfit for service, due to mechanical or safety problems. Periodic inspection of department-issued and/or personally-owned firearms authorized for duty shall be completed by the firearms training staff.

Department firearms instructors shall have successfully passed ILEA firearms instructor school/certification.

## Vehicle Pursuits

### 306.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for making decisions regarding vehicular pursuits.

#### 306.1.1 DEFINITIONS

Definitions related to this policy include:

**Authorized emergency vehicle** - Department vehicle(s) equipped with emergency lights (visible from front and rear), siren and police radio may engage in a vehicle pursuit.

**Primary unit** - the police unit, which initiates a pursuit or any unit which assumes control of the pursuit.

**Secondary unit** - any police vehicle, which becomes involved as a backup to the primary unit and follows the primary unit at a safe distance. The secondary unit should assume radio communication to allow the pursuing unit to focus on the suspect vehicle.

**Vehicle pursuit** -An active attempt by an officer in an authorized emergency vehicle to stop and/or apprehend a fleeing suspect who is actively attempting to elude the police.

**Due Regard**- Refer to I.C. 9-21-1-8.

### 306.2 POLICY

Officers will conduct vehicle pursuits in accordance with training, policy and law. Regardless of the reason for the vehicle pursuit, officers will place a priority on public safety and terminate the vehicle pursuit when the danger to the public and/or the officer(s) outweighs the reason for the stop. Every pursuit review is based on each individual incident which includes known circumstances, variables, and merits.

### 306.3 INITIATION OF PURSUIT

- (a) The decision to pursue must be based on the pursuing officer's conclusion that the immediate danger to the officer and the public by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.
- (b) Any law enforcement officer in an authorized emergency vehicle may pursue when the suspect exhibits the intention to avoid apprehension by refusing to stop when properly directed to do so. Pursuit may also be justified if the officer reasonably believes that the suspect, if allowed to flee, would present a danger to human life or cause serious injury.
- (c) In deciding whether to pursue, the officer will take into consideration:
  1. Road, weather and environmental conditions.
  2. Population density and vehicular and pedestrian traffic.

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3. The relative performance capabilities of the pursuit vehicle and the vehicle being pursued, as well as the experience of the officer(s) involved as known by supervisor(s).
  4. The seriousness of the offense.
- (d) The Department prohibits officers from initiating or joining a vehicle pursuit with civilian passengers, unless the passenger meets the criteria in the general order Ride-Along Program.

#### **306.4 PURSUIT OPERATIONS**

- (a) Units pursuing the suspect vehicle will activate both the emergency lights and siren for public safety. The emergency lights and siren will be kept on until either the pursuit ends or the pursuing officer disengages from actively pursuing the suspect vehicle.
- (b) Upon engaging in pursuit, the officer will notify Communications of the location, direction and speed of the pursuit, traffic conditions (both vehicular and pedestrian), the description of the pursued vehicle (including license plate if known) and the initial purpose of the stop. The officer will keep Communications updated on the pursuit.
- (c) Communications personnel will notify an available uniform supervisor of the pursuit, clear radio channel of non-emergency traffic, perform a record check on the fleeing vehicle and relay necessary information to other officers and jurisdictions.
- (d) When engaged in pursuit, officers have a legal responsibility to drive with due regard (I.C. 9-21-1-8) for the safety of all people. Units will follow behind all vehicles at a safe distance to prevent accidental rear-end collisions.
- (e) During the pursuit, units will continue to consider road, weather, and environmental conditions; population density; vehicular and pedestrian traffic; the distance from the suspect vehicle; speed of vehicles; visibility of suspect vehicle; and the danger to the public and/or the officer(s).
- (f) Unless circumstances dictate otherwise, a pursuit will consist of no more than three police vehicles to minimize the hazards to public safety. Secondary units will begin to disengage when a canine unit or PIT certified unit joins the pursuit. The purpose of disengaging is to abide-by the three unit guideline.
- (g) Units will not pass each other unless a police vehicle is disabled, safely able to do so and authorized by the Command Supervisor or lead car.

#### **306.5 COMMAND SUPERVISOR RESPONSIBILITIES**

- (a) When Communications alerts an available uniform supervisor of a vehicle pursuit, the supervisor assumes command of the incident (Command Supervisor) and will acknowledge their role as Command Supervisor via radio.
- (b) Any officer, regardless of assignment, holding the rank of sergeant or above, not actively engaged in the pursuit is responsible to take the role of Command Supervisor. Upon taking the role of Command Supervisor, the supervisor must announce their

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command via radio. There may be circumstances where this may not be feasible, and a supervisor involved in the pursuit may dually command with one who isn't.

- (c) The Command Supervisor will monitor incoming information, coordinate and direct activities as needed to ensure that proper procedures are used, and will have the discretion to terminate the pursuit.
- (d) The Command Supervisor has a duty to control the number of police cars, beyond the three car limit, actively pursuing the suspect vehicle.
- (e) Where possible, the Command Supervisor will respond to the location where a vehicle has been stopped following the pursuit.

### **306.6 PURSUIT TACTICS**

- (a) Officers will not normally follow the pursuit on parallel streets unless authorized by the Command Supervisor, or the purpose is to get ahead of the pursuit to deploy a Tire Deflating Device (TDD) or deter the public from access to the pursuit.
- (b) When feasible, available patrol units having the most prominent markings and emergency lights will be used to pursue, particularly as the primary unit. When a pursuit is initiated by other than a marked patrol unit, such unit will disengage when a marked unit becomes available.
- (c) Motorcycles may not be used in a vehicle pursuit, and its operation will follow department policy on the use of motorcycles.
- (d) All intervention tactics short of deadly force, such as TDD, precision Immobilization Technique (PIT), and rolling roadblock (with appropriate advance warning) should be used when it is possible to do so safely, and when the officers utilizing them have received appropriate training in their use.
- (e) The Command Supervisor must authorize the use of a roadblock, rolling roadblock or PIT.
- (f) Decisions to discharge firearms at or from a moving vehicle, or ramming the suspect vehicle, may only be used when deadly force is justified.
- (g) Once the pursued vehicle is stopped, officers will utilize appropriate officer safety tactics and will be aware of the necessity to utilize only reasonable and necessary force to take suspects into custody.

### **306.7 FORCIBLE STOPPING TECHNIQUE GUIDELINES**

- (a) When using a TDD, officers should:
  1. Stop traffic in all directions prior to deployment.
  2. Place officers and civilians behind protective cover.
  3. Notify all police units about the TDD's exact location.
  4. Never use to stop motorcycles, bicycles, three-wheeled vehicles, golf carts or all-terrain vehicles.

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- (b) Using a boxing /rolling roadblock or PIT maneuver may damage a police vehicle. If a police vehicle is damaged as a result of the technique, then an accident report is not needed.
- (c) The PIT may only be used when speeds do not exceed 50 miles per hour, and authorized by a Command Supervisor. If used at a speed of greater than 50 mph, it must be a justified use of deadly force.
- (d) When applying a roadblock:
  - 1. Officers must never block the entire roadway unless deadly force is justified.
  - 2. Police vehicles used in a rolling/boxing roadblock will activate their emergency lights and sirens to warn the suspect vehicle operator to stop.
  - 3. Never set up a roadblock on a curve, hill crest or intersection.
  - 4. Do not intentionally blind the suspect with lights (e.g., head lamps, spotlight).
  - 5. All vehicles used in a stationary roadblock should be un-occupied.

#### **306.8 TERMINATION OF PURSUIT**

- (a) Units will terminate a vehicle pursuit under any one of the following conditions:
  - 1. Command Supervisor (or higher-ranking authority) or any pursuing unit orders the pursuit terminated.
  - 2. Risks associated with continued pursuit are greater than the public safety benefit of making an immediate apprehension.
  - 3. Suspect's identity has been determined, immediate apprehension is not necessary to protect the public or officers and apprehension at a later time is feasible.
- (b) For officer safety, units must terminate a pursuit if the unit has no radio communication with a law enforcement dispatch center.
- (c) Units must notify Communications when terminating a pursuit. Upon pursuit termination, all units will deactivate their emergency vehicle equipment (lights/siren) and resume driving in compliance with posted traffic laws.

#### **306.9 INTER- AND INTRA-JURISDICTIONAL PURSUITS**

- (a) The pursuing officer will notify Communications when it is likely that a pursuit will continue into a neighboring jurisdiction or across the county or state line.
- (b) Pursuit into a bordering state will conform with the law of both states and any applicable inter-jurisdictional agreements.
- (c) Units will follow the South Bend Police Department vehicle pursuit policy even when entering another jurisdiction. However, any inter-local agreements and state law will supersede Department policy when applicable.

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- (d) If an outside police agency is involved in a vehicle pursuit, regardless if it is within or outside South Bend City limits, then the officer may only join if the pursuing agency has requested assistance or a supervisor has granted permission.

#### **306.10 AFTER-ACTION REPORTING**

- (a) The Department will require a written report and conduct an initial informal then formal administrative review of each pursuit, including the Pursuit Review Committee, Office of Professional Standards and Command Staff.
- (b) Whenever an officer engages in a pursuit, the Command Supervisor will conduct an initial informal pursuit review with the completion of the Department's vehicle pursuit form by the end of shift, unless circumstances or supervisor directive dictates otherwise.
- (c) Reviewing MVR footage and other collected data, the lead Emergency Vehicle Operation (EVO) instructor will generate a written review on each pursuit. The EVO instructor(s) review(s), the Office of Professional Standards (OPS), the Pursuit Review Committee, and the Command Staff will critically evaluate police pursuit activity and identify any additions, deletions or modifications warranted in departmental pursuit procedures. The review will be forwarded to the following positions:
  - 1. Chief of Police.
    - (a) The Chief of Police has the discretion to appoint another reviewer(s) to assist the lead EVO instructor and Pursuit Review Committee.
  - 2. Patrol Division Chief.
  - 3. Training Bureau Commander.
  - 4. Office of Professional Standards.
  - 5. Command Staff.
- (d) The Office of Professional Standards will document an annual analysis of the previous years' pursuits, and submit it to the Chief of Police no later than January 31 of each year.

#### **306.11 REGULAR AND PERIODIC PURSUIT TRAINING**

Officers who drive police vehicles will be given initial and periodic update training in the Department's pursuit policy and in safe driving tactics, as well as the required yearly state mandated training.



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## Foot Pursuits

### 307.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

### 307.2 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.

### 307.3 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.

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- (d) 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.

#### **307.4 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 suspects should a confrontation occur.
- (f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.
- (g) The officer loses radio contact with the dispatcher or with assisting or backup officers.
- (h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
- (j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
- (k) The officer loses possession of his/her firearm or other essential equipment.
- (l) The officer or a third party is injured during the foot pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer known.

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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 foot pursuit is impaired by inclement weather, darkness or other environmental conditions.

### **307.5 RESPONSIBILITIES IN FOOT PURSUITS**

#### **307.5.1 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) Unit or personnel number (PN)
- (c) Reason for the foot pursuit, such as the crime classification
- (d) Number of suspects and description, to include name if known
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the dispatcher of his/her location and the status of the foot pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

#### **307.5.2 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.

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#### **307.5.3 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.

#### **307.6 REPORTING REQUIREMENTS**

The initiating officer shall complete appropriate crime/arrest reports documenting, at a minimum:

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.
- (e) Involved vehicles and officers.
- (f) Whether a suspect was apprehended as well as the means and methods used.
  - 1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
- (g) Arrestee information, if applicable.
- (h) Any injuries and/or medical treatment.
- (i) Any property or equipment damage.
- (j) Name of the supervisor at the scene or who handled the incident.
- (k) A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

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## Officer Response to Calls

### 308.1 PURPOSE AND SCOPE

This policy provides officers with guidelines for the safe and appropriate vehicular response to emergency and non-emergency incidents or requests for assistance, whether these are dispatched or self-initiated.

### 308.2 POLICY

It is the policy of this department to appropriately respond to emergency and non-emergency calls for service or requests for assistance, whether these are dispatched or self-initiated.

### 308.3 RESPONSE TO CALLS

Officers responding to non-emergency calls shall proceed accordingly, unless they are sent or redirected to a higher priority call, and shall obey all traffic laws.

#### 308.3.1 EMERGENCY CALLS

Officers responding to an emergency call shall proceed immediately and shall continuously operate the emergency vehicle lighting and siren as required by law (I.C. § 9-21-1-8). Even when operating a vehicle in emergency mode, the law holds officers legally responsible to drive with due regard for the safety of all people.

Members may disable the siren only if the call requires a “silent” response. If running “silent,” then the officer must exercise extra caution for motorists and pedestrians. The vehicle emergency lighting shall be operated at all times when the siren has been disabled.

Officers should only respond to a call as an emergency response when circumstances reasonably indicate an emergency response is required. This includes, but is not limited to (I.C. § 9-19-14-3):

- (a) When in pursuit or apprehending a violator or suspected violator.
- (b) Felony crime in progress.
- (c) Other crimes in progress, if the officer has sufficient information to justify the decision.
- (d) When responding to a reported emergency involving possible personal injury, death or significant property damage.
- (e) When immediate assistance is requested by an officer or other law enforcement agency.

If an officer believes an emergency response to any call is appropriate, the officer shall immediately notify the dispatcher.

Officers not responding to a call as an emergency response shall observe all traffic laws and proceed without the use of emergency lights and siren.

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#### **308.4 REQUESTING EMERGENCY ASSISTANCE**

When requesting emergency assistance, the involved department member should reasonably believe there is an imminent threat to the safety of him/herself or another person, or that assistance is needed to prevent imminent serious harm to the public.

If circumstances permit, the requesting member should provide the following information:

- Identifying call sign
- Location of the emergency situation
- Suspect information, including weapons or other information relevant to the request, if available.
- Reason for the request and type of emergency
- The number of officers or resources required
- Hazards and any known or potential dangers for responding officers

In any event where a situation has stabilized and emergency response is not required, the requesting member shall immediately notify the dispatcher.

#### **308.5 SAFETY CONSIDERATIONS**

Officers responding to an emergency call shall proceed immediately as appropriate and shall continuously operate the emergency vehicle lighting and siren as required by law (I.C. § 9-13-2-6(1)(B)).

Responding with emergency lights and siren does not relieve the operator of an emergency vehicle of the duty to continue to drive with due regard for the safety of all persons and property, and does not protect the operator from the consequences of reckless disregard for the safety of others. However the officer may, when responding to a call with an emergency response, and provided there is no endangerment or unnecessary risk to persons and property (I.C. § 9-21-1-8):

- Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
- Exceed the speed limit.
- Disregard regulations governing direction of movement or turning in specified directions.
- Park or stand in the roadway.
- Execute lawful intervention techniques.

##### **308.5.1 NUMBER OF OFFICERS ASSIGNED**

Only the number of officers that are reasonably necessary should be assigned to respond to an emergency call or request for assistance.

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#### **308.5.2 MOTORCYCLES**

An officer operating a police motorcycle should not be assigned to an emergency response. However, an officer operating a police motorcycle in an emergency response should be replaced by an authorized emergency vehicle equipped with emergency lights and siren as soon as practicable.

#### **308.6 EMERGENCY EQUIPMENT**

Vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in an emergency response. Officers in such vehicles may provide support to pursuing vehicles as long as the vehicles are operated in compliance with all traffic laws. Those officers should terminate their involvement in any emergency response immediately upon arrival of a sufficient number of emergency law enforcement vehicles (I.C. § 9-19-5-3).

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 or the dispatcher of the equipment failure so that another officer may be assigned to the emergency response.

#### **308.7 OFFICER RESPONSIBILITIES**

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

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

The first officer arriving at the emergency call should determine whether to increase or reduce the level of the response of additional officers and shall notify the dispatcher of his/her determination. Any subsequent change in the appropriate response level should be communicated to the dispatcher by the officer in charge of the scene unless a supervisor assumes this responsibility.

#### **308.8 SUPERVISOR RESPONSIBILITIES**

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

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

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The Shift Supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing officers into or out of the response, if necessary. If, in the supervisor's judgment, the circumstances require additional officers to be assigned an emergency response, the supervisor may do so.

It is the supervisor's responsibility to terminate an emergency response that, in his/her judgment, is inappropriate due to the circumstances.

When an emergency response occurs, the Shift Supervisor should consider the following:

- The type of call or crime involved
- The type and circumstances of the request
- The necessity of a timely response
- Weather, traffic and road conditions
- The location of the responding officers and the location of the incident



## Canines

### 309.1 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.

### 309.2 POLICY

It is the policy of the South Bend Police Department that Canine teams (a handler and a police service dog) meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

### 309.3 ASSIGNMENT

Canine teams should be assigned to assist and supplement the Patrol Division to function primarily in assist or cover assignments. However, they may be assigned by the Shift Supervisor to other functions, such as routine calls for service, based on the current operational needs.

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time. If such assignment is necessary, it should only be made with the approval of the Shift Supervisor.

### 309.4 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the Patrol Division Chief or the authorized designee.

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

- (a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.
- (b) Maintaining a liaison with the vendor kennel.
- (c) Maintaining a liaison with command staff and functional supervisors.
- (d) Maintaining a liaison with other agency canine coordinators.
- (e) Maintaining accurate records to document canine activities.
- (f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.
- (g) Scheduling all canine-related activities.
- (h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

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#### **309.5 OUTSIDE AGENCY REQUEST**

All requests for canine assistance from outside agencies must be approved by the Shift Supervisor, or a canine supervisor, and are subject to the following:

- (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.
- (c) Calling out off-duty canine teams is discouraged.
- (d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
- (e) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

#### **309.6 PUBLIC DEMONSTRATION**

All public requests for a canine team shall be reviewed and approved by the Canine Coordinator prior to making any resource commitment. The Canine Coordinator is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the Canine Coordinator.

#### **309.7 APPREHENSION GUIDELINES**

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has committed, is committing, or is threatening to commit any serious offense and if any of the following conditions exist:

- (a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officer, or the handler.
- (b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
- (c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

Absent a reasonable belief that a suspect has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing officer, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Shift Supervisor. Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such canine use shall

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be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler shall secure the canine as soon as it becomes reasonably practicable.

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler shall promptly command the canine to release the suspect.

#### 309.7.1 PREPARATION FOR DEPLOYMENT

Prior to the use of a canine to search for or apprehend any suspect, the canine handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include, but is not limited to:

- (a) The nature and seriousness of the suspected offense.
- (b) Whether violence or weapons were used or are anticipated.
- (c) The degree of resistance or threatened resistance, if any, the suspect has shown.
- (d) The suspect's known or perceived age.
- (e) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.
- (f) Any potential danger to the public and/or other officers at the scene if the canine is released.
- (g) The potential for the suspect to escape or flee if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

#### 309.7.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine on a building search. The handler should allow a reasonable time for a suspect to surrender. In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

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#### 309.7.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES

Handlers shall document canine deployments in a canine use report. Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor shall be promptly notified and the injuries documented in the canine use report. The injured person shall be promptly treated by Emergency Medical Services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries shall also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the Canine Coordinator. Unintended bites or injuries caused by a canine shall be documented in an administrative report, not in a canine use report.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

#### **309.8 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 present 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 secure the canine as soon as reasonably practicable.

#### 309.8.1 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.

#### 309.8.2 NARCOTICS DETECTION

A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

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- (a) The search of vehicles, buildings, bags and other articles.
- (b) Assisting in the search for narcotics during a search warrant service.
- (c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

A narcotics-detection trained canine will not be used to search a person for narcotics unless the canine is trained to passively indicate the presence of narcotics.

#### 309.8.3 BOMB/EXPLOSIVE DETECTION

Because of the high risk of danger to the public and officers when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be considered. When available, an explosive-detection canine team may be used in accordance with current law and under certain circumstances, including:

- (a) Assisting in the search of a building, structure, area, vehicle or article where an actual or suspected explosive device has been reported or located.
- (b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).
- (c) Preventive searches at special events, VIP visits, official buildings and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.
- (d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

At no time will an explosive-detection trained canine be used to render a suspected device safe or clear.

#### 309.9 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

- (a) An officer who is currently off probation.
- (b) Residing in an adequately fenced, single-family residence (minimum 5-foot high fence with locking gates).
- (c) Living within 30 minutes travel time from the South Bend City limits.
- (d) Agreeing to be assigned to the position for a minimum of three years.
- (e) Other criteria listed in the appropriate job or assignment posting.

#### 309.10 HANDLER RESPONSIBILITIES

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection and living conditions.

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The canine handler will be responsible for the following:

- (a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.
- (c) 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.
- (d) 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.
- (e) When off-duty, the canine shall be in a kennel provided by the City at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.
- (f) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
- (g) Under no circumstances will the canine be lodged at another location unless approved by the Canine Coordinator.
- (h) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the Canine Coordinator or Shift Supervisor.
- (i) 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.

#### 309.10.1 CANINE IN PUBLIC AREAS

The canine shall be under a handler's control when in areas that allow access to the public.

- (a) A canine shall not be left unattended in any area to which the public may have access.
- (b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

#### 309.11 HANDLER COMPENSATION

The canine handler shall be available for call-out under conditions specified by the Canine Coordinator.

The canine handler shall be compensated for time spent in the care, feeding, grooming and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA), and according to the terms of the collective bargaining agreement between the handler and the City (29 USC § 207).

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### **309.12 CANINE INJURY AND MEDICAL CARE**

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the Canine Coordinator 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.

### **309.13 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.

### **309.14 TRAINING RECORDS**

All canine training records shall be maintained in the canine handler's and the canine's training file.

### **309.15 TRAINING AIDS**

Training aids are required to effectively train and maintain the skills of canine. Officers possessing, using or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements. Alternatively, the South Bend Police Department may work with outside trainers with the applicable licenses or permits.

### **309.16 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)).

The Chief of Police or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the South Bend Police Department to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this department for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Chief of Police or the authorized designee may request narcotics training aids from the Drug Enforcement Agency (DEA).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

### **309.17 CONTROLLED SUBSTANCE PROCEDURES**

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine's accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

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### Canines

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- (a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.
- (b) The weight and test results shall be recorded and maintained by this department.
- (c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
- (d) All controlled substance training samples will be inspected, weighed and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the Canine Coordinator with a copy forwarded to the dispensing agency.
- (e) All controlled substance training samples will be stored in locked, airtight and watertight cases at all times, except during training. The locked cases shall be secured in the trunk (if equipped) of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.
- (f) The Canine Coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- (g) Any unusable controlled substance training samples shall be returned to the narcotics storage room or to the dispensing agency. The person returning the substance to the narcotics storage room shall document the return of the substance in an officer's report and turn it in to the Canine Coordinator. The Canine Coordinator shall document the return in the inventory ledger.
- (h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency. The Canine Coordinator shall document the return in an inventory.

#### **309.18 EXPLOSIVE TRAINING AIDS**

Officers may possess, transport, store or use explosives or destructive devices in compliance with state and federal laws (18 USC § 842; 27 CFR 555.41; I.C. § 35-47.5-5-1).

Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

- (a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials, as per state and federal law.



## Domestic or Family Violence

### 310.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic or family violence through vigorous enforcement and to address domestic or family violence as a serious crime against society. The policy specifically addresses the commitment of the South Bend Police Department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic or family violence.

#### 310.1.1 DEFINITIONS

Definitions related to this policy include:

**Bodily injury** - Any impairment of physical condition, including physical pain.

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

**Domestic or family violence** - When a family or household member commits, attempts to commit or conspires to commit any of the offenses specified in I.C. § 35-31.5-2-76 against another family or household member.

### 310.2 POLICY

The South Bend Police Department's response to incidents of domestic or family violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic or family 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.

### 310.3 OFFICER SAFETY

The investigation of domestic or family 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.

### 310.4 INVESTIGATIONS

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

- (a) Calls of reported, threatened, imminent or ongoing domestic or family 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) 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.

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### *Domestic or Family Violence*

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- (c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Special Victims Unit in the event that the injuries later become visible.
- (f) If the suspect is no longer at the scene, officers shall 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.
- (g) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence (I.C. § 35-33-1-1.5).
- (h) When an officer encounters a person for whom there is an active court order in place, the officer should notify the person verbally of the existing order and make note of the verbal notice in their report.
- (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, if known, including the date the offender was served, if known, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated, if known. Officers should include the number of the court order at the beginning of the report.
- (j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
  - 1. Marital status of suspect and victim.
  - 2. Whether the suspect lives on the premises with the victim.
  - 3. Claims by the suspect that the victim provoked or perpetuated the violence.
  - 4. The potential financial or child custody consequences of arrest.
  - 5. The physical or emotional state of either party.
  - 6. Use of drugs or alcohol by either party.
  - 7. Denial that the violence occurred where evidence indicates otherwise.
  - 8. A request by the victim not to arrest the suspect.

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### *Domestic or Family Violence*

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9. Location of the incident (public/private).
10. Speculation that the complainant may not follow through with the prosecution.
11. The racial, cultural or social identity, professional position or sexual orientation of the victim or suspect.

#### **310.4.1 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.

#### **310.4.2 IF NO ARREST IS MADE**

If no arrest is made, the officer should:

- (a) Advise the parties of any options, including but not limited to:
  1. Voluntary separation of the parties.
  2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness assistance).
- (b) Document the resolution in a report.

### **310.5 VICTIM ASSISTANCE**

Because victims may be traumatized or confused, officers should be aware that a victim's behavior and actions may be affected.

- (a) Victims shall be provided with the department's domestic violence information and the victims' rights information handouts, even if the incident may not rise to the level of a crime (I.C. § 35-33-1-1.5).
- (b) Victims should also be alerted to any available victim advocates, shelters and community resources.
- (c) When an involved person requests law enforcement assistance while removing essential items of personal property, officers shall stand by for a reasonable amount of time (I.C. § 35-33-1-1.5).
- (d) If the victim has sustained injury or complains of pain, officers should seek medical assistance for the victim as soon as practicable.
- (e) Officers should ask the victim whether he/she has a safe place to stay and assist in arranging transportation to an alternate shelter or other designated place of safety if the victim either expresses a concern for his/her safety or if the officer determines that a need exists (I.C. § 35-33-1-1.5).

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### *Domestic or Family Violence*

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- (f) Officers should make reasonable efforts to ensure that any children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (g) If appropriate, officers should notify the victim of available resources to obtain an emergency order.
- (h) All reasonable steps to prevent further violence should be taken whether or not listed above (I.C. § 35-33-1-1.5).
- (i) Upon contact with a domestic violence victim, officers shall complete the Domestic Violence Lethality Screen for Law Enforcement form and make note in the report that the screen form has been completed. If requirements are satisfied, the officer shall call the YWCA Crisis Hotline.

#### **310.6 FOREIGN COURT ORDERS**

Various types of orders may be issued in domestic or family 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; I.C. § 34-26-5-17). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state, except for certain mutual protection orders.

A certified copy of an order for protection is not required for enforcement nor is a paper copy if the order is retrievable from a database in a perceivable form. If a foreign court order is not presented, an investigating officer may consider other information to determine under a totality of the circumstances whether there is probable cause to believe that a valid foreign court order exists (I.C. § 34-26-5-17).

If an investigating officer determines that an otherwise valid foreign court order cannot be enforced because the subject of the order has not been notified or served with the order, the officer shall (I.C. § 34-26-5-17):

- (a) Inform the subject of the order.
- (b) Serve the order on the subject of the order.
- (c) Ensure that the order and service of the order are entered into the state depository.
- (d) Allow the subject of the order a reasonable opportunity to comply with the order before enforcing the order.
- (e) Ensure the safety of the protected person while giving the subject of the order the opportunity to comply with the order.

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#### **310.7 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, 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.

#### **310.8 STANDARDS FOR ARRESTS**

Officers investigating a domestic or family violence report should consider the following:

- (a) An officer investigating a crime involving domestic or family violence should make an arrest of a suspect when lawful to do so (unless a supervisor grants an exception) (I.C. § 35-33-1-1.5).
- (b) A person arrested for an offense or attempted offense involving the use of force or threatened use of a deadly weapon committed against a current or former spouse, parent, guardian, person with whom the person shared a child in common or cohabitant shall be kept in custody for at least eight hours from the time of the arrest even if the person provides bail pursuant to I.C. § 35-33-1-1.7 (I.C. § 35-31.5-2-78).
- (c) An officer may arrest a person for the following offenses upon probable cause even if the offense did not rise to the level of a felony or was not committed in the officer's presence (I.C. § 35-33-1-1):
  1. Domestic battery
  2. Interference with reporting of a crime
  3. Preventing the reporting of a crime involving domestic or family violence
- (d) If officers locate the "primary aggressor" and have probable cause to arrest for domestic battery (I.C. 35-42-1.3) or battery resulting in bodily injury (I.C. 35-42- 2-1), then the Department requires officers to make an arrest.
- (e) If an officer deviates from department mandate and releases the "primary aggressor," then document the reasoning in the case report.

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### *Domestic or Family Violence*

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- (f) If the victim has sustained serious bodily injury and the suspect has fled but still presents a continued threat, officers should make an immediate attempt to locate the suspect for arrest.
- (g) Officers should avoid arresting a victim who strikes the “primary aggressor” in self-defense.
- (h) A “primary aggressor” is someone who has totality:
  - 1. Initiated the physical assault;
  - 2. Potential to inflict future injury

### **310.9 PROTECTIVE ORDERS**

- (a) Officers may refer victims to the Family Justice Center, or the South Bend or Mishawaka Courthouses for help to get a protective order.
- (b) Officers will arrest a person who violates a valid protective order, even if issued in another state.
- (c) Invasion of Privacy (I.C. 35-46-1-15.1) is the criminal charge for violating a valid protective order.

## Domestic Violence - Sworn Officer

### 311.1 PURPOSE

The purpose of this policy is to establish procedures for handling acts of alleged and sustained officer-involved domestic violence.

### 311.2 POLICY

The South Bend Police Department takes a position of absolute intolerance regarding officers who engage in domestic violence. The Department will act quickly and impartially to investigate allegations of domestic violence.

### 311.3 OFFICER CONDUCT

- (a) Officers should use the Employee Assistance Program if they need private council and assistance to prevent a domestic situation from escalating to criminal conduct.
- (b) If an officer knows another officer is engaging in domestic violence, then the officer must report it to their supervisor.
- (c) Officers will act impartially and professionally during alleged officer-involved domestic investigations. Officers acting with favoritism, prejudice or with the intention to interfere in a criminal or administrative investigation will result in disciplinary action.
- (d) The Department encourages officers to report if they are a victim of domestic violence to ensure a safe work environment.

### 311.4 RESPONDING TO OFFICER-INVOLVED DOMESTIC VIOLENCE

Officers will follow the same response procedures as outlined in the Domestic or Family Violence Policy, and ensure the following actions are taken:

- (a) Communications dispatches an officer holding a higher rank than the involved officer. If Communications has not dispatched a higher ranking officer, then it is the duty of the first arriving officer to make the request.
- (b) If a responding officer learns that the involved officer works for another law enforcement agency, the responding officer must take steps to notify the other agency.
- (c) If the incident involves the Chief of Police, then dispatch the Mayor and Uniform Division Chief.

### 311.5 HIGHEST RANKING SUPERVISOR DUTIES

The highest ranking supervisor dispatched to the scene of alleged domestic violence involving a sworn officer shall assume command of the scene, and shall ensure all officers follow the Domestic and Family Violence Policy. If there is a reasonable belief that the involved officer is the "primary aggressor" involving domestic violence, the supervisor shall:

- (a) Seek to relieve the officer from duty

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### *Domestic Violence - Sworn Officer*

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- (b) Complete an Advisory Report
- (c) Forward a copy of all case reports to:
  - 1. Officer's unit/detail Commander
  - 2. Officer's Division Chief
  - 3. Office of Professional Standards
  - 4. Chief of Police

#### **311.6 TEMPORARY RE-ASSIGNMENT AND DISCIPLINE**

During the course of any investigation (criminal or administrative) or criminal trial involving an officer accused of domestic violence, the Chief of Police may take any of the following temporary actions pending the outcome of the investigation or trial:

- (a) Administrative Re- assignment
- (b) Removal of Department weapons
- (c) Removal of police powers by placing the officer on administrative leave or suspension with pay
- (d) The Chief of Police may seek alternate or additional action or discipline from the Board of Public Safety

##### **311.6.1 FIREARMS CONFISCATION**

The Chief of Police or designee shall confiscate any department-issued firearm if the officer is:

- (a) Convicted of domestic violence; or a protective order filed against them that prohibits their possession of a firearm; or
- (b) Has a protective order against them which does not allow them to have firearms.
- (c) If a police officer is convicted of a qualifying domestic violence crime, the officer cannot possess a firearm. The Chief of Police shall present any officer in this situation to the Board of Public Safety for job termination.

#### **311.7 ADMINISTRATIVE AND CRIMINAL INVESTIGATIONS**

- (a) The Chief of Police will refer the criminal investigation to the St. Joseph County Special Victims Unit.
- (b) The Office of Professional Standards will handle the administrative investigation.
- (c) If the incident involves the Chief of Police, then South Bend City Director of Human Resources will handle the administrative investigation.



## Search and Seizure

### 312.1 PURPOSE AND SCOPE

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

### 312.2 POLICY

It is the policy of the South Bend 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.

### 312.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions to the rule that permit a warrantless search.

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 shall contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

### 312.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

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### *Search and Seizure*

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- (a) Members of this department will strive to conduct searches with dignity and courtesy.
- (b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (e) Whenever practicable, a search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.
- (f) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject 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.
  3. The search should be done in front of an MVR or other recording device, if practicable.

#### **312.5 DOCUMENTATION**

Officers are responsible for documenting any search and for ensuring 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.

## Child Abuse

### 313.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when South Bend Police Department members are required to notify the Department of Child Services (DCS) of suspected child abuse.

#### 313.1.1 DEFINITIONS

Definitions related to this policy include:

**Child** - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

**Child abuse** - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency or law enforcement.

### 313.2 POLICY

The South Bend Police Department will investigate all reported incidents of alleged criminal child abuse and ensure DCS is notified as required by law.

### 313.3 MANDATORY NOTIFICATION

Members of the South Bend Police Department shall notify DCS when there is reason to believe a child may be the victim of abuse or neglect, whether or not there exists an imminent danger to the child's health or welfare (I.C. § 31-33-5-1; I.C. § 31-33-7-7).

For purposes of notification, child abuse or neglect means a child described in I.C. § 31-34-1-1 through I.C. § 31-34-1-5, regardless of whether the child needs care, treatment, rehabilitation, or the coercive intervention of a court (I.C. § 31-9-2-14).

Members of the South Bend Police Department shall also notify DCS anytime a suspected child victim of an offense under I.C. § 35-42-3.5-1 to I.C. § 35-42-3.5-1.4, or I.C. § 35-45-4-1 et seq. (e.g., human trafficking, sexual trafficking/conduct, forced labor, forced marriage, prostitution) is detained and may be a victim of child abuse or neglect (I.C. § 35-42-3.5-4; I.C. § 35-45-4-7).

#### 313.3.1 NOTIFICATION PROCEDURE

Notification shall occur as follows (I.C. § 31-33-5-4):

- (a) Members should immediately call the DCS child abuse and neglect hotline (1-800-800-5556). Members may also fax or email reports of abuse or neglect to the appropriate child protective services agency.
- (b) If the child has died, the member shall also give telephone notice to the appropriate Prosecuting Attorney (I.C. § 31-33-8-4).

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### *Child Abuse*

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#### **313.4 QUALIFIED INVESTIGATORS**

Qualified investigators should be available for child abuse investigations, refer to Family Violence Protocol. 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 Prosecuting Attorney for review (I.C. § 31-33-8-10).
- (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.

#### **313.5 INVESTIGATIONS AND REPORTING**

Officers shall conduct an immediate on-site assessment with DCS or the applicable child protective services agency whenever there is reason to believe that an offense has been committed (I.C. § 31-33-7-7; I.C. § 31-33-8-2).

All reported or suspected cases of child abuse shall be documented. Officers shall document the incident even if the allegations appear unfounded or unsubstantiated (I.C. § 31-33-8-8).

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 officers 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 shall include photographs of such injuries, if practicable (I.C. § 31-33-8-3).
- (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.

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- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

#### **313.6 PROTECTIVE CUSTODY**

Before taking any child into protective custody, the officer should make contact with DCS. 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 (I.C. § 31-33-8-8).

Generally, members of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to DCS.

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:

- (a) Upon a court order or warrant (I.C. § 31-33-8-8; I.C. § 31-21-6-14; I.C. § 31-34-2-1).
- (b) When the member has probable cause to believe the child is in need of services and (I.C. § 31-34-2-3):
  1. It appears that the child's physical or mental condition will be seriously impaired or seriously endangered if the child is not immediately taken into custody.
  2. There is no reasonable opportunity to obtain an order of the court.
  3. Consideration for the safety of the child precludes the immediate use of family services to prevent removal of the child.

##### **313.6.1 SAFE HAVEN LAW**

Officers shall take custody of a child who appears to be not more than 30 days old who is voluntarily left with the officer by a parent without an expressed intent to return for the child (I.C. § 31-34-2.5-1). Any person voluntarily leaving the child is not obligated to disclose the parent's or his/her own name.

The officer taking custody of the child shall immediately notify DCS to assume the care, control and custody of the child (I.C. § 31-34-2.5-2).

#### **313.7 INTERVIEWS**

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#### **313.7.1 PRELIMINARY INTERVIEWS**

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

#### **313.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW**

An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
  - 1. A reasonable belief that medical issues of the child need to be addressed immediately.
  - 2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
  - 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

#### **313.8 MEDICAL EXAMINATIONS**

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian, or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

Officers should request and obtain a copy of all photographs and a summary of X-rays and other medical care provided if available (I.C. § 31-33-10-3).

#### **313.9 DRUG-ENDANGERED CHILDREN**

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics (I.C. § 31-34-1-2).

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#### 313.9.1 SUPERVISOR RESPONSIBILITIES

The Investigative Bureau supervisor should:

- (a) Work with professionals from the appropriate agencies, including DCS, other law enforcement agencies, medical service providers and local prosecutors to develop community-specific procedures for responding to situations where there are children endangered by their exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Investigative Bureau supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives at the scene.
- (c) Develop a protocol for officers responding to drug labs or other narcotics crime scenes.

#### 313.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

- (a) Document the environmental, medical, social and other conditions of the child using photography as appropriate.
- (b) Notify the shift supervisor so an interagency response can begin, when appropriate.

#### **313.10 STATE MANDATES AND OTHER RELEVANT LAWS**

This department shall investigate alleged child abuse or neglect in the same manner that the Department conducts any other criminal investigation (I.C. § 31-33-8-2).

##### 313.10.1 PROCESSING REPORTS AND RECORDS

The department shall forward any information, including copies of reports, to DCS and the appropriate juvenile court (I.C. § 31-33-7-7; I.C. § 31-33-8-11).

Copies of reports that involve the death of a child shall also be promptly forwarded to the appropriate Prosecuting Attorney (I.C. § 31-33-8-4).

##### 313.10.2 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 (I.C. § 31-33-18-1; I.C. § 31-33-18-2).

##### 313.10.3 DISCLOSURE OF INFORMATION

The Department shall release child abuse or neglect information and reports to DCS (I.C. § 31-33-8-11).

## Adult Abuse

### 314.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for South Bend Police Department members as required by law.

#### 314.1.1 DEFINITIONS

Definitions related to this policy include:

**Adult abuse** - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement.

### 314.2 POLICY

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

### 314.3 MANDATORY NOTIFICATION

A member of the South Bend Police Department shall notify Adult Protective Services (APS) when the member reasonably believes a person has been the victim of adult abuse (I.C. § 35-46-1-13(c); I.C. § 12-10-3-9; I.C. § 12-10-3-10(b)).

For purposes of notification, adult abuse includes the battery, neglect and exploitation of a person who is 18 years or older and is incapable by reason of mental illness, developmental or intellectual disability or dementia or otherwise lacks the capacity to manage his/her property or to provide or direct the provision of self-care (I.C. § 12-10-3-2).

#### 314.3.1 NOTIFICATION PROCEDURE

Notification shall be immediately made to the APS hotline or local APS unit, and should include as much of the following as is known (I.C. § 12-10-3-10):

- (a) The name, age and address of the victim
- (b) The names and addresses of family members or other persons financially responsible for the victim's care or other individuals who may be able to provide relevant information
- (c) The apparent nature and extent of the alleged neglect, battery or exploitation and the victim's physical and mental condition
- (d) The name, address and telephone number of any person who reported the alleged abuse to the Department and the basis of the reporter's knowledge
- (e) The name and address of the alleged offender
- (f) Any other relevant information regarding the circumstances of the endangered adult



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#### **314.4 QUALIFIED INVESTIGATORS**

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

- (a) Conduct interviews in appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to adult abuse investigations.
- (c) Present all cases of alleged adult abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

#### **314.5 INVESTIGATIONS AND REPORTING**

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult abuse victim is contacted.
- (b) Any relevant statements the victim may have made and to whom he/she made the statements.
- (c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
- (e) Whether the victim was transported for medical treatment or a medical examination.
- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
- (g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

Officers should coordinate with other enforcement agencies, social service agencies and facility administrators as needed and notify the victim of available emergency resources, if appropriate.

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Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

#### **314.6 PROTECTIVE CUSTODY**

Removal of an adult abuse victim from his/her family, guardian or other responsible adult is the responsibility of APS (I.C. § 12-10-3-23; I.C. § 12-10-3-28).

When it appears necessary to protect adult abuse victims by taking the victim into protective custody, members should contact APS and request APS to obtain an emergency protective order.

#### **314.7 INTERVIEWS**

##### **314.7.1 PRELIMINARY INTERVIEWS**

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected adult abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

##### **314.7.2 DETAINING VICTIMS FOR INTERVIEWS**

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
  - 1. A reasonable belief that medical issues of the adult need to be addressed immediately.
  - 2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
  - 3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.
- (b) A court order or warrant has been issued.

#### **314.8 MEDICAL EXAMINATIONS**

When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide

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for officers to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

#### **314.9 DRUG-ENDANGERED VICTIMS**

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

##### **314.9.1 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 at the scene shall:

- (a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the on-shift supervisor so an interagency response can begin.

##### **314.9.2 SUPERVISOR RESPONSIBILITIES**

The on-shift supervisor shall:

- (a) Respond to the scene and assume command.
- (b) Notify APS.
- (c) When applicable, notify Metro Special Operations Section (MSOS) and/or the Indiana State Police so an interagency response can begin.

#### **314.10 STATE MANDATES AND OTHER RELEVANT LAWS**

Indiana requires or permits the following:

##### **314.10.1 RECORDS BUREAU RESPONSIBILITIES**

The Records Bureau is responsible for:

- (a) Providing a copy of the adult abuse report to APS.
- (b) Retaining the original adult abuse report with the initial case file.

##### **314.10.2 RELEASE OF REPORTS**

Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (I.C. § 12-10-3-15).

## Discriminatory Harassment

### 315.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

### 315.2 POLICY

The South Bend Police Department is committed to providing and maintaining a workplace environment which fosters an attitude of courtesy, respect, and dignity to ourselves and each other, which is free from any form of discrimination or harassment.

The South Bend Police Department is an equal opportunity employer and is further committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights and privileges it is designed to protect.

The nondiscrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

### 315.3 DEFINITIONS

Definitions related to this policy include:

#### 315.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on race, color, religion, sex, age, national origin or ancestry, genetic information, disability, military service, sexual orientation and other classifications protected by law.

Discriminatory harassment is verbal, visual, or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class that 1) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; 2) has the purpose or effect of unreasonably interfering with an individual's work performance; or 3) otherwise adversely affects an individual's employment opportunities.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; 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

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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.

#### **315.3.2 RETALIATION**

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation or opposed a discriminatory practice. Retaliation will not be tolerated.

#### **315.3.3 SEXUAL HARASSMENT**

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes, but is not limited to, severe or pervasive unwanted sexual advances, requests for sexual favors or other verbal, visual or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, position or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of unreasonably interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

#### **315.3.4 ADDITIONAL CONSIDERATIONS**

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission and the Indiana Civil Rights Commission guidelines.
- (b) Bona fide requests or demands by a supervisor that the member improve their work quality or output, that the member report to work on time, that the member comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

#### **315.4 RESPONSIBILITIES**

This policy applies to all department members, who shall follow the intent of these guidelines in a manner that reflects department policy, professional law enforcement standards and the best interest of the Department and its mission.

Members should 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 progress up the chain of

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command and make the report to a higher ranking supervisor or manager. Complaints may also be filed with the Chief of Police or City Director of Human Resources.

Any member who believes, in good faith, that the member has been discriminated against, harassed or subjected to retaliation, or who has observed harassment, discrimination, or retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

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

#### 315.4.1 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment or retaliation are encouraged to contact a supervisor, the Chief of Police or the City Director of Human Resources for further information, direction or clarification.

#### 315.4.2 SUPERVISOR RESPONSIBILITIES

The responsibilities of each supervisor 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 Office of Professional Standards in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

#### 315.4.3 SUPERVISOR'S ROLE

Because of differences in individual values, supervisors may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory. Supervisors shall be aware of the following:

- (a) Behavior of supervisors should represent the values of the Department and professional law enforcement standards.
- (b) False or mistaken accusations of discrimination, harassment or retaliation can have negative effects on the careers of innocent members.

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Nothing in this section shall be construed to prevent supervisors 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.

#### **315.5 INVESTIGATION OF COMPLAINTS**

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation, or harassment shall be fully documented, and promptly and thoroughly investigated.

##### **315.5.1 SUPERVISORY RESOLUTION**

Members who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

##### **315.5.2 FORMAL INVESTIGATION**

If the complaint cannot be satisfactorily resolved through the supervisory resolution process or Human Resources, a formal investigation will be conducted by the Office of Professional Standards.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint or for offering testimony or evidence in any 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 or City Director of Human Resources.

#### **315.6 DOCUMENTATION OF COMPLAINTS**

All complaints or allegations shall be thoroughly documented on the appropriate forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

- (a) Approved by the Chief of Police, the Division Chief or the City Director of Human Resources, depending on the ranks of the involved parties. For any accusation involving the Chief of Police, the investigation will be handled in conjunction with the City of South Bend Human Resources Office and the City Attorney's Office.

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- (b) Maintained in accordance with the established records retention schedule.
- (c) Made known to the complainant once the investigation is complete.

#### 315.6.1 NOTIFICATION OF DISPOSITION

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



## Missing Persons

### 316.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations (I.C. § 5-2-17-1 et seq.).

#### 316.1.1 DEFINITIONS

Definitions related to this policy include:

**High risk** - A person whose whereabouts are not known and who may be at risk of injury or death. High risk includes, but is not limited to, a missing person (I.C. § 5-2-17-1):

- (a) Who is missing as a result of abduction by a stranger.
- (b) Whose disappearance may be the result of the commission of a crime.
- (c) Whose disappearance occurred under circumstances that are inherently dangerous.
- (d) At risk due to abduction by a noncustodial parent.
- (e) Who is mentally impaired.
- (f) Under the age of 21.
- (g) Who has previously been the victim of a threat or act of violence.
- (h) Who has been determined by a law enforcement agency to be at risk for injury or death.

**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 Indiana Data and Communication System (IDACS) and the Indiana Clearinghouse for Missing Children and Missing Endangered Adults (I.C. § 10-13-3-35).

Indiana State Police

Missing Children Clearinghouse

100 N. Senate Avenue, 3rd Floor North Indianapolis, IN 46204-2259

(317) 232-2929

1-800-831-8953

National Missing and Unidentified Persons System (NAMUS)

3500 Camp Bowie Blvd

Fort Worth, TX76107

(855) 626-7600

National Center for Missing and Exploited Children (NCMEC)

National Center for Missing & Exploited Children®

Charles B. Wang International Children's Building

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### *Missing Persons*

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699 Prince Street  
Alexandria, Virginia 22314-3175  
24 HOUR HOTLINE 800-843-5678/800-THE-LOST

#### **316.2 POLICY**

The South Bend Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. Priority shall be given to missing person cases over property-related cases. Members will initiate an investigation into all reports of missing persons, regardless of the length of time the person has been missing.

#### **316.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS**

The Investigative Bureau supervisor shall ensure the appropriate forms are available and that biological samples are developed when applicable.

#### **316.4 ACCEPTANCE OF REPORTS**

Any member encountering an individual who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone, electronically 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 (I.C. § 5-2-17-4; I.C. § 5-2-17-5; I.C. § 12-10-18-1; I.C. § 31-36-1-1).

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.

If jurisdiction is in question, the officer shall advise the individual to also make a report to the law enforcement agency having jurisdiction where the missing person was last seen or, if that place is unknown, where the missing person resides (I.C. § 5-2-17-4).

#### **316.5 INITIAL INVESTIGATION**

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- (a) Respond to a dispatched call as soon as practicable and begin the investigation (I.C. § 31-36-2-1; I.C. § 12-10-18-4).
- (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 high risk (I.C. § 5-2-17-6(b)).
  1. If the missing person is under 18 years of age, provide the reporting party with the information pamphlet from the Indiana State Police (ISP) about the National Center for Missing and Exploited Children and the National Runaway Safeline (I.C. § 5-2-17-7; I.C. § 10-11-2-34).
- (c) Notify a supervisor immediately if there is evidence that a missing person is either high risk or may qualify for a public alert, or both (see the Public Alerts Policy).

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### *Missing Persons*

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- (d) Broadcast an alert if the person is high risk. This shall be immediately broadcast as required by I.C. § 5-2-17-10(d).
- (e) Ensure that entries are made into the appropriate missing person networks:
  - 1. Immediately, when the missing person is high risk (I.C. § 5-2-17-10(d)).
  - 2. In all other cases, as soon as practicable, recommended within two hours, but not later than five hours, from the time of the initial report (I.C. § 31-36-1-2; I.C. § 5-2-17-10(c)).
- (f) Complete the appropriate report forms accurately and completely as required (I.C. § 5-2-17-6; I.C. § 12-10-18-1; I.C. § 12-10-18-2; I.C. § 31-36-1-1; I.C. § 31-36-1-2).
- (g) Initiate a search as applicable under the facts.
- (h) Collect and/or review:
  - 1. A photograph and fingerprint card of the missing person, if available.
  - 2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
  - 3. Any documents that may assist in the investigation, such as court orders regarding custody.
  - 4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (i) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.
- (j) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. 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 a high-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.
- (k) If the missing person qualifies for an AMBER Alert™ or a Silver Alert, contact the ISP as soon as practical (I.C. § 12-10-18-3).
- (l) As necessary, obtain the assistance of other law enforcement agencies including the ISP (I.C. § 5-2-17-10(a)).
- (m) As appropriate, the officer shall inform other law enforcement agencies of a high-risk missing person (I.C. § 5-2-17-10(b)).
- (n) If requested, inform the individual making the report, a family member of the missing person and any other individual who may be helpful in locating the missing person of the following (I.C. § 5-2-17-7):
  - 1. The general procedure for handling missing person cases.
  - 2. The approach of the case, unless disclosure would adversely affect the investigation.

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3. That additional information may be required if the missing person is not promptly located or if additional information is discovered in the course of the investigation.
4. Provide contact information for the NCMEC or the Americas Missing Adults, or other similar organizations and advise that those organizations may provide additional resources.

#### **316.6 REPORT PROCEDURES AND ROUTING**

Members should complete all missing person reports and forms promptly, but no later than two hours after initial dispatch, and advise the appropriate supervisor as soon as a missing person report is ready for review.

##### **316.6.1 SUPERVISOR RESPONSIBILITIES**

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

- (a) Reviewing and approving missing person reports upon receipt.
  1. The reports should be promptly sent to the Records Bureau.
- (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 person 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.
- (g) Assessing new information that may make the person high risk (I.C. § 5-2-17-6(b)).
- (h) Making a determination to stop the investigation if the person is not missing or is voluntarily missing (I.C. § 5-2-17-6(c)).
  1. If the investigation is cancelled, ensure the investigative steps and results of the investigation are properly documented (I.C. § 5-2-17-6(d)).
  2. Ensure that the location of the missing person is not disclosed to others if the missing person requests confidentiality (I.C. § 5-2-17-6(e)).
- (i) Determining if a photograph of the missing person should be released to the public (I.C. § 5-2-17-9).
- (j) Making a determination regarding the release of information to other agencies, the media and the public (I.C. § 12-10-18-3).

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#### 316.6.2 RECORDS BUREAU RESPONSIBILITIES

The responsibilities of the Records Bureau receiving member shall include, but are not limited to:

- (a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.
- (b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.
- (c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.
- (d) Forwarding a copy of the report to the Investigative Bureau.
- (e) Forwarding copies of a missing child report to all agencies as required by I.C. § 31-36-1-3.
- (f) Coordinating with the NCIC Terminal Contractor for Indiana to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

#### 316.7 INVESTIGATIVE BUREAU 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, child care center or child home care is notified no later than 15 days after completion of the report if the missing person is a child less than 13 years of age (I.C. § 31-36-1-4).
  - 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 (I.C. § 31-36-1-5).
- (b) Should recontact the reporting party and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update IDACS, 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).

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- (g) Should make appropriate inquiry with the Coroner.
- (h) Should obtain and forward medical records, dental records, photos, X-rays and biological samples, as applicable (I.C. § 5-2-17-8; I.C. § 31-36-2-3).
- (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 as appropriate 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) Shall update the NCIC's Missing Person File if an arrest warrant is issued for a person who abducted or unlawfully retained a missing child (I.C. § 31-36-2-5).
- (l) Shall search the NCIC's Wanted Person File for reports of arrest warrants issued for persons who allegedly abducted or unlawfully retained children and compare these reports to the missing child's NCIC Missing Person File (I.C. § 31-36-2-2).
- (m) Shall update the investigation upon the discovery of new information and forward the information to the appropriate agencies and organizations (I.C. § 31-36-2-2).
- (n) Shall report as soon as possible relevant information to the FBI's Violent Criminal Apprehension Program (ViCAP) (I.C. § 5-2-17-9).
- (o) In the case of a high-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).

#### **316.8 WHEN A MISSING PERSON IS FOUND**

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted. When a missing child is found, notification shall be promptly made to all involved agencies, and persons as provided in I.C. § 31-36-2-6.

The Director of Records shall ensure that, upon receipt of information that a missing person has been located, the following occurs:

- (a) The missing child's school, child care center or child care home is promptly notified (I.C. § 31-36-2-6).
- (b) Entries are made in the applicable missing person networks.
- (c) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

##### **316.8.1 UNIDENTIFIED PERSONS**

Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

- (a) Obtain a complete description of the person.

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- (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.

#### **316.9 CASE CLOSURE**

The Investigative Bureau supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.
- (b) If the missing person is a resident of South Bend 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.

## Public Alerts

### 317.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

### 317.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), 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.

### 317.3 RESPONSIBILITIES

#### 317.3.1 MEMBER RESPONSIBILITIES

Members of the South Bend Police Department should notify their supervisors, Shift Supervisor or Investigative Bureau supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and the public could assist in locating a missing person, apprehending a dangerous person or gathering information.

#### 317.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible for making the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Division Chief and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for:

- (a) Updating alerts.
- (b) Canceling alerts.
- (c) Ensuring all appropriate reports are completed.
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Chief

### 317.4 AMBER™ ALERTS

AMBER™ Alerts are used to provide a statewide system for the rapid dissemination of information regarding abducted children (I.C. § 10-13-5-1).

#### 317.4.1 CRITERIA

The following criteria are utilized to determine if an AMBER™ Alert should be requested (I.C. § 10-13-5-4):

- (a) An officer has a reasonable belief that an abduction has occurred.



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- (b) An officer believes that a child is in imminent danger of serious bodily injury or death.
- (c) Enough descriptive information exists about the victim and the abductor for this department to request that the superintendent of the Indiana State Police (ISP) issue an AMBER™ Alert.
- (d) The victim of the abduction is a child less than 18 years of age.
- (e) The victim is a temporary or permanent resident of the state of Indiana.

#### 317.4.2 PROCEDURE

The following procedures for initiating an AMBER™ Alert are used when a member of the South Bend Police Department receives a report from a parent or guardian that a child is missing:

- (a) The member receiving the information shall notify all on-duty officers of the existence of a missing child report.
- (b) The member receiving the information shall communicate the report to all adjoining and regional law enforcement agencies.
- (c) The member receiving the report shall transmit the information to the superintendent of the Indiana State Police.

#### 317.5 BLUE ALERTS

Blue Alerts are used to provide a statewide system for the rapid dissemination of information regarding specific incidents relating to law enforcement officers (I.C. § 10-13-8-1).

##### 317.5.1 CRITERIA

The following criteria are circumstances warranting a Blue Alert (I.C. § 10-13-8-8):

- (a) A law enforcement officer has been killed or seriously injured while in the line of duty.
- (b) The suspect has not been apprehended and may be a serious threat to the public or other law enforcement personnel.
- (c) Sufficient information is available to disseminate to the public that could assist in locating the suspect.
- (d) If a law enforcement officer is missing while in the line of duty, sufficient information is available to disseminate to the public that could assist in locating the law enforcement officer.

##### 317.5.2 PROCEDURE

The following is the procedure for initiating a Blue Alert:

- (a) Before requesting activation of the Blue Alert system this department shall verify the criteria for activating the Blue Alert System has been met (I.C. § 10-13-8-8).
- (b) An officer will notify the superintendent of the Indiana State Police (ISP) and request activation of the Blue Alert System (I.C. § 10-13-8-10).
- (c) The superintendent of the ISP will notify the appropriate participants in the Blue Alert System if there is sufficient information available to disseminate to the public that could assist in locating the missing law enforcement officer or a suspect (I.C. § 10-13-8-10).

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- (d) The superintendent of the ISP shall determine the appropriate geographic boundaries of the alert based on the nature of the suspect and the circumstances surrounding the crime or the last known location of the missing law enforcement officer (I.C. § 10-13-8-8).
- (e) The area of the alert may be less than state-wide if the superintendent of the ISP determines that the nature of the event makes it probable that the suspect or the missing law enforcement officer is within a certain geographic location.
- (f) An officer shall, as soon as practicable, notify the superintendent of the ISP upon locating the suspect or the missing law enforcement officer (I.C. § 10-13-8-13).
- (g) The superintendent of the ISP shall terminate any activation of the Blue Alert System if the suspect or the law enforcement officer is located or if the superintendent of the ISP determines that the Blue Alert System is no longer an effective tool for locating the suspect or law enforcement officer (I.C. § 10-13-8-14).

### **317.6 SILVER ALERTS**

Silver Alerts are used to provide a statewide system for the rapid dissemination of information regarding a missing endangered adult, missing endangered child, or high-risk missing person (I.C. § 10-13-5-4.6).

#### 317.6.1 CRITERIA

A Silver Alert should be activated when:

- (a) An officer believes that a missing person meets the criteria for being a missing endangered adult, a missing endangered child, or a high-risk missing person (I.C. § 12-7-2-131.3; I.C. § 12-10-18-0.5; I.C. § 10-13-5-4.4; I.C. § 5-2-17-1).

#### 317.6.2 PROCEDURE

The following is the procedure for initiating a Silver Alert when members of the South Bend Police Department receive information that a person is missing who is an endangered missing adult, a missing endangered child, or a high-risk missing person. The investigating officer (I.C. § 5-2-17-10; I.C. § 12-10-18-3):

- (a) Shall verify that the criteria for requesting a Silver Alert has been satisfied.
- (b) Shall instruct the officers of the South Bend Police Department to be alert for the disabled adult or high-risk missing person.
- (c) May notify the ISP and request assistance.
- (d) Shall make an entry into the National Crime Information Center (NCIC) within two hours of receiving the report.
- (e) Shall make an entry into any other appropriate database within 24 hours of receiving the report.
- (f) May forward the missing person report to:
  1. Any appropriate law enforcement agency
  2. The Indiana Data and Communications System (IDACS)

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3. Indiana Clearinghouse for Information on Children and Missing Endangered Adults
4. A broadcaster or newspaper

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## Victim and Witness Assistance

### 318.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

### 318.2 POLICY

The South Bend Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the South Bend Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy (Ind. Const. Art. 1 § 13(b)).

### 318.3 CRIME VICTIM LIAISON

The Chief of Police may appoint a member of the Department to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the South Bend Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

#### 318.3.1 CRIME VICTIM LIAISON DUTIES

The crime victim liaison should take reasonable steps as set forth in I.C. § 11-8-8-23 to notify the victim (or the spouse or immediate family member of a deceased victim) when the department is notified that a lifetime sex or violent offender has changed his/her name, the reason for the name change (if known), and the offender's new name.

### 318.4 CRIME VICTIMS

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to available victim resources.

#### 318.4.1 VICTIM NOTIFICATION

When a person in the custody of the South Bend Police Department escapes from custody or the victim makes a notification request regarding the release of a suspect, the department shall notify the victim as soon as practicable (I.C. § 35-40-7-1; I.C. § 35-40-7-3).

If requested by the victim, the South Bend Police Department shall notify the victim as soon as practicable when the South Bend Police Department is informed that (I.C. § 35-40-7-2):

- (a) A bond hearing is scheduled;
- (b) The death of the accused individual occurs;
- (c) The accused individual is placed on a work release program; or

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- (d) The accused individual posts bail.

#### **318.5 VICTIM INFORMATION**

The Logistics Bureau Division Chief shall ensure that victims of crimes are referred, when appropriate to the St. Joseph County Family Justice Center (SJCFJC). Services provided by SJCFJC may include the following:

- (a) Shelters and other community resources for victims including domestic violence and sexual assault victims.
- (b) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage and preservation in sexual assault cases (42 USC § 3796gg-4; 42 USC § 10603f).
- (c) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (d) A clear explanation of relevant court orders and how they can be obtained.
- (e) Information regarding available compensation for qualifying victims of crime.
- (f) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (g) Notice regarding U visa and T visa application processes.
- (h) Resources available for victims of identity theft.

#### **318.6 WITNESSES**

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

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## Bias Crimes

### 319.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

#### 319.1.1 DEFINITIONS

Definitions related to this policy include:

**Bias crime** - A crime motivated by prejudice based on the actual or perceived color, creed, disability, national origin, race, religion, or sexual orientation of the victim (I.C. § 10-13-3-1).

### 319.2 POLICY

The South Bend Police Department recognizes and places a high priority on all person's rights which are guaranteed under the state and federal constitution and incorporated in state and federal law.

### 319.3 PREVENTION AND PREPARATION

While it is recognized that not all crime can be prevented, our department is committed to taking a proactive approach to preventing and preparing for likely bias crimes by:

- (a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of bias crimes, and forming networks that address prevention and response.
- (b) Providing victim guidance and community follow-up or identifying available resources.
- (c) Educating community and civic groups about bias crime laws.

### 319.4 INVESTIGATIONS

Whenever any member of this department receives a report of a suspected bias crime or other activity that reasonably appears to involve a potential bias crime, the following should occur:

- (a) Assigned officers should promptly contact the victim, witness or reporting party to investigate the matter further, as circumstances may dictate.
- (b) A supervisor should be notified of the circumstances as soon as practicable.
- (c) Once the in-progress aspect of any such situation has been stabilized (e.g., treatment of victims or arrest of suspects at the scene), the assigned officers should take reasonable steps to preserve all evidence.
- (d) Depending on the situation, the assigned officers or supervisor may request assistance from investigators or other resources.

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- (e) The assigned officers should interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a bias crime.
- (f) The assigned officers should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim and Witness Assistance Policy.
- (g) The assigned officers should include all available evidence indicating the likelihood of a bias crime in the relevant reports. All related reports should be clearly marked "bias Crime" to enable identification for federal hate crime reporting.
- (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 that may be available (e.g., a Petition for a Temporary Protective Order) through the courts.

#### 319.4.1 INVESTIGATIVE BUREAU RESPONSIBILITIES

If a bias crime case is assigned to the Investigative Bureau, the assigned investigator will be responsible for:

- (a) Coordinating further investigation with 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 bias crimes, as indicated or required by state law.

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## Standards of Conduct

### 320.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the South Bend Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

### 320.2 POLICY

The continued employment or appointment of every member of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

### 320.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

#### 320.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict will not be held accountable for disobedience of the lawful order or directive that was initially issued.



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The person countermanning the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

#### **320.3.2 SUPERVISOR RESPONSIBILITIES**

Supervisors are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiescing to such a violation, or exhibiting indifference to such a violation.
- (d) Exercising unequal or disparate authority toward any member for malicious or other improper purpose.

#### **320.4 GENERAL STANDARDS**

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Indiana Constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

#### **320.5 CAUSES FOR DISCIPLINE**

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

##### **320.5.1 LAWS, RULES AND ORDERS**

- (a) Violation of, or ordering or instructing a subordinate to violate, any policy, procedure, rule, order, directive or requirement, or failure to follow instructions, contained in department or City manuals.
- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

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#### 320.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the South Bend Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this department, the policies of the city and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

#### 320.5.3 DISCRIMINATION, OPPRESSION OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, color, religion, sex, age, national origin or ancestry, genetic information, disability, military service, sexual orientation, or other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful.

#### 320.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- (e) Associating on a personal, rather than official, basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of, such criminal activities, except as specifically directed and authorized by this department.

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#### 320.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.
  - 1. An officer will be considered late for duty if he/she is not present when roll call begins. Any officers arriving after the start of roll call will be required to submit a late report to his/her commander bearing his/her signature, reason for being late and the amount of time late. The report shall be submitted promptly to the Commander.
  - 2. In any calendar year, January 1 through December 31, officers are to be warned in writing, by their Commander, upon receiving the fifth late report. The sixth late shall result in a suspension of one day; the seventh late shall result in a suspension of up to two days; the eighth late may render the officer liable to be relieved of duty pending formal charges by the Board of Public Safety. All late reports will be forwarded to the office of the Chief of Police. The Commander will keep a copy of the report for his/her records. Only documented instances in which an officer becomes involved in a duty-related matter (i.e., assisting at a dispatch, court) will be accepted as justification for reporting late for duty.
- (e) Shall not feign illness or injury, falsely report themselves sick or injured or otherwise deceive or attempt to deceive any official of the Department or the City as to the condition of their health. They shall be required to provide medical documentation to the Chief of Police upon request.

#### 320.5.6 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms or reports obtained as a result of the member's position with this department.
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away or appropriating any South Bend Police Department badge, uniform, identification card or 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.

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#### 320.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.
- (f) Shall report the loss or suspension of their driver's license to their Commander immediately upon such instance occurring.
- (g) Failure to notify the Human Resources Department of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

#### 320.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any 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, or any other property owned or issued by the Department.
- (c) Failure to participate in investigations, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
  - 1. While on department premises.
  - 2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.

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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, on department property or while in any way representing him/herself as a member of this department, except as expressly authorized by City policy, the collective bargaining agreement or the Chief of Police.
  3. Any other activity prohibited by the city handbook or ethics code.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.
- (i) Any act on- or off-duty that brings discredit to this department.
- (j) Shall operate departmental vehicles in a careful and prudent manner and shall obey state laws or departmental orders pertaining to such operation.

#### 320.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law 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.

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- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement including fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.
- (m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.
- (n) Shall not knowingly interfere with the investigation, assigned task or duty assignment of another. They shall not interfere with cases assigned to other officers for investigation without consent, except by order of a superior officer, nor shall they interfere with the operation of any division, bureau or unit.
- (o) Shall truthfully answer all questions relating to the scope of their employment and operations of the Department which may be asked of them. Officers shall cooperate fully with any internal investigation.
- (p) Shall in the interest of clarifying any departmental matter to which they are a party, concerning an investigation about which it is believed they have information of value, submit to a polygraph test if ordered to do so by the Chief of Police or his/her designee.
- (q) Shall submit to a test if suspected of operating a vehicle under the influence of alcohol or narcotics, if ordered to do so by the Chief of Police or his/her designee.

#### 320.5.10 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling. including loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (e) Carrying, while on the premises of the work site, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment, and at any time while using a city vehicle.
- (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.

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#### 320.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.
- (d) Shall not consume alcoholic beverages while wearing any part of the uniform that identifies the officer as South Bend Police Department.

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## Information Technology Use

### 321.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

#### 321.1.1 DEFINITIONS

Definitions related to this policy include:

**Computer system** - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the South Bend Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

**Hardware** - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones (including cellular and satellite), pagers, modems or any other tangible computer device generally understood to comprise hardware.

**Software** - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

**Temporary file, permanent file or file** - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

### 321.2 POLICY

It is the policy of the South Bend Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

### 321.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any department computer system.

The Department reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network and/or any information placed into storage on any department system or device. This includes records of all key strokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks.



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#### **321.4 RESTRICTED USE**

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Shift Supervisors.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

##### **321.4.1 SOFTWARE**

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes, in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software on any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as a part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software. Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

##### **321.4.2 HARDWARE**

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

##### **321.4.3 INTERNET USE**

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms, and similar or related Internet sites. Certain

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exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information from the Internet shall be limited to messages, mail and data files.

#### **321.4.4 OFF-DUTY USE**

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other off-the-clock work-related activities. This also applies to personally owned devices that are used to access department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

#### **321.5 PROTECTION OF SYSTEMS AND FILES**

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

#### **321.6 INSPECTION AND REVIEW**

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

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## Department Use of Social Media

### 322.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

#### 322.1.1 DEFINITIONS

Definitions related to this policy include:

**Social media** - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services.

### 322.2 POLICY

The South Bend Police Department will use social media as a method of effectively informing the public about department services, issues, investigations, recruitment and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

### 322.3 AUTHORIZED USERS

Only members authorized by the Chief of Police, authorized designee or Public Information Officer (PIO) 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.

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#### **322.4 AUTHORIZED CONTENT**

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

Examples of appropriate content include:

- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the department mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
- (f) Traffic information.
- (g) Media releases.
- (h) Recruitment of personnel.

##### **322.4.1 INCIDENT-SPECIFIC USE**

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

#### **322.5 PROHIBITED CONTENT**

Content that is prohibited from posting includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the South Bend 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.

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### *Department Use of Social Media*

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#### **322.5.1 PUBLIC POSTING PROHIBITED**

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

The Department may provide a method for members of the public to contact department members directly.

#### **322.6 MONITORING CONTENT**

The Chief of Police may appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

#### **322.7 RETENTION OF RECORDS**

The Logistics Bureau Captain should work with the Administrator of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

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## Report Preparation

### 323.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to those members of the Department who complete investigations and reports as a part of their duties.

### 323.2 POLICY

It is the policy of the South Bend Police Department that members shall act with promptness and efficiency in the preparation and processing of all reports. Reports shall document witnesses, evidence, sufficient information to refresh the member's memory and shall provide enough detail for follow-up investigation and successful prosecution.

### 323.3 EXPEDITIOUS REPORTING

An incomplete report, unorganized reports or reports that are delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or to a special priority made necessary under exceptional circumstances with prior supervisor approval.

### 323.4 REPORT PREPARATION

Reports should be sufficiently detailed for their purpose and free from errors prior to submission and approval. It is the responsibility of the member to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor.

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

#### 323.4.1 HANDWRITTEN OR TYPED REPORTS

County, state and federal agency forms may be block printed unless the requirement for typing is apparent. Supervisors may require block printing or typing of reports of any nature for department consistency.

In circumstances in which a handwritten report is required, the reports must be prepared legibly. If the report is not legible, the submitting member will be required by the reviewing supervisor to promptly make corrections and resubmit the report.

Members shall use appropriate grammar and punctuation, to the best of their ability.

Members who generate reports on computers are subject to all requirements of this policy.

#### 323.4.2 ELECTRONIC SIGNATURES

The South Bend Police Department has established an electronic signature procedure for use by all members of the South Bend Police Department. The Patrol Division Chief or authorized

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designee shall be responsible for maintaining the electronic signature system, ensuring that each member creates a unique, confidential password for his/her electronic signature and that the use of electronic signatures otherwise complies with the law (I.C. § 26-2-8-101, et. seq.).

- (a) Members may only use their electronic signatures for official reports or other official communications.
- (b) Each member shall be responsible for the security and use of his/her electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

### **323.5 REQUIRED REPORTING**

In all of the following situations, members shall complete reports using the appropriate department-approved forms and reporting methods, unless otherwise approved by a supervisor.

The reporting requirements listed below are not intended to be all-inclusive. A member may also complete a report if he/she deems it necessary or as directed by a supervisor.

#### **323.5.1 CRIMINAL ACTIVITY**

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a written report includes:

- (a) All arrests, except warrant arrests
- (b) All felony crimes
- (c) Incidents involving criminal threats, terrorist threats, and stalking.
- (d) Situations covered by separate policy. These include:
  - 1. Use of Force Policy
  - 2. Domestic or Family Violence Policy
  - 3. Child Abuse Policy
  - 4. Adult Abuse Policy
  - 5. Bias Crimes Policy
  - 6. Suspicious Activity Reporting Policy
- (e) All misdemeanor crimes where the victim desires a report and that are not already covered by the categories above.
- (f) Additional reports shall be completed by every officer involved in a felony incident, unless the officer provides a recorded statement. Situations that require a report under this provision include, but are not limited to the following:
  - (a) Entering a crime scene.
  - (b) Assisting with or establishing a perimeter.



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- (c) Transporting a victim, witness or suspect.
- (d) Canvassing an area where a crime occurred.

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved alternative reporting method (e.g., a Code 1).

#### 323.5.2 NON-CRIMINAL ACTIVITY

The Department recognizes while an official report (Code 2) is generally customary for non-criminal activity, other forms of documentation include Code 1, Crime Information Bulletin (CIB), or any other approved departmental form. Written documentation of non-criminal activity may include, but are not limited to, the following:

- (a) Public accidents
- (b) Miscellaneous public reports
- (c) Found property
- (d) Traffic accidents above the minimum reporting level (see the Traffic Accidents Policy)
- (e) Suspicious incidents that may place the public or others at risk
- (f) Whenever the member believes the circumstances should be documented, or at the direction of a supervisor.

#### 323.5.3 MISCELLANEOUS INJURIES

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

- (a) The injury is a result of drug overdose.
- (b) There is an attempted suicide.
- (c) The injury is major or serious, and potentially fatal.
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to document the event.

#### 323.5.4 DEATHS

Death investigations should be referred to the Metro Homicide Unit. Death investigations require specific investigation methods, depending on the circumstances. They should be handled in accordance with the Death Investigation Policy. The handling member should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following incidents shall be appropriately investigated and documented:

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

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- (e) Found dead bodies or body parts

#### **323.5.5 CITY PERSONNEL OR PROPERTY**

Incidents involving City personnel or property shall require a report when:

- (a) An injury occurs as the result of an act of a City employee or on City property.
- (b) There is damage to City property or equipment.

#### **323.6 ALTERNATIVE REPORTING FOR VICTIMS**

Reports that may be submitted by the public via telephone, online or other self-completed reporting processes include:

- (a) Lost property.
- (b) Misdemeanor thefts of property, other than firearms or materials threatening to public safety, when there is no suspect information or serial number or ability to trace the item.
  1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number.
- (c) Misdemeanor vandalism with no suspect information and no hate crime implications.
- (d) Vehicle larceny with no suspect information or evidence.
- (e) Stolen vehicle attempts with no suspect information or evidence.
- (f) Annoying/harassing telephone calls with no suspect information.
- (g) Identity theft without an identifiable suspect.
- (h) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.
- (i) Supplemental property lists.

Members already at the scene of one of the above incidents should not refer the reporting party to any alternative means of reporting without authorization from a supervisor. Members may refer victims to online victim assistance programs (e.g., the Federal Communications Commission (FCC) website for identity theft; the Internet Crime Complaint Center (IC3) website for computer crimes).

#### **323.7 REVIEW AND CORRECTIONS**

Supervisors shall review reports for content, completion and accuracy. If a correction is necessary, the reviewing supervisor shall return the report to the submitting member stating the reasons for rejection and requesting re-submission upon correction.

It shall be the responsibility of the submitting member to ensure that any report returned for correction is processed and re-submitted for approval in a timely manner.

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#### 323.7.1 CHANGES AND ALTERATIONS

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

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## Media Relations

### 324.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of official department information to the media. It also addresses coordinating media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

### 324.2 POLICY

It is the policy of the South Bend Police Department to protect the privacy rights of individuals when releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect investigations will not be released.

### 324.3 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. In situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Chiefs, supervisors and designated Public Information Officers (PIOs) may prepare and release information to the media in accordance with this policy and applicable laws regarding confidentiality.

### 324.4 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of department members and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, shall not be disclosed to the media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief of Police will consider, at a minimum, whether the release of information or the presence of the media would unreasonably endanger any individual or prejudice the rights of any person or is otherwise prohibited by law.

### 324.5 MEDIA REQUESTS

Any media request for information or access to a law enforcement incident shall be referred to the PIO, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, members shall consider the following:

- (a) At no time shall any member of this department make any comment or release any official information to the media without prior approval from a supervisor or the PIO.
- (b) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.

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- (c) Under no circumstance should any member of this department make any comment to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police. Under these circumstances the member should direct the media to the agency handling the incident.

#### **324.6 ACCESS**

Authorized media representatives shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities as required by law.

Access by the media is subject to the following conditions:

- (a) The media representative shall produce valid media credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives should be prevented from interfering and may be removed for interfering with emergency operations and criminal investigations.
  - 1. Based upon available resources, reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the PIO or other designated spokesperson.
- (c) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express written consent of the person in custody.
- (d) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved member.

##### **324.6.1 CRITICAL OPERATIONS**

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

##### **324.6.2 TEMPORARY FLIGHT RESTRICTIONS**

Whenever the presence of media or other aircraft pose a threat to public or member safety or significantly hamper incident operations, a supervisor should consider requesting a Temporary Flight Restriction (TFR). 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).

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#### **324.7 CONFIDENTIAL OR RESTRICTED INFORMATION**

It shall be the responsibility of the PIO to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

##### **324.7.1 EMPLOYEE INFORMATION**

The identities of officers involved in shootings or other critical incidents may only be released to the media upon the consent of the involved officer or upon a formal request filed.

Any requests for copies of related reports or additional information not contained in the information log (see the Public Information Bulletin section in this policy), including the identity of officers involved in shootings or other critical incidents, shall be referred to the PIO.

Requests should be reviewed and fulfilled by the Custodian of Records, or if unavailable, the Shift Supervisor or the authorized designee. Such requests will be processed in accordance with the provisions of the Records Maintenance and Release Policy and the Indiana Public Records Act (I.C. § 5-14-3-1 et seq.).

#### **324.8 RELEASE OF INFORMATION**

The Department may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the department website or other electronic data sources.

##### **324.8.1 PUBLIC INFORMATION BULLETIN**

The Department will maintain a Public Information Bulletin of significant law enforcement activities. Bulletin entries shall only contain information that is deemed public information and not restricted or confidential by this policy or applicable law. Upon request, the bulletin entries shall be made available to media representatives through the Shift Supervisor.

The Public Information Bulletin will generally include:

- (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation, or the information is confidential (e.g., juveniles or certain victims).
- (b) The date, time, location, case number, name, birth date and charges for each person arrested by this department, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation, or the information is confidential (e.g., juveniles).
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident.

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## Subpoenas and Court Appearances

### 325.1 PURPOSE AND SCOPE

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

### 325.2 POLICY

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

### 325.3 SUBPOENAS

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

#### 325.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf or at the request of any party other than the City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the South Bend Police Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the South Bend Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

#### 325.3.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current collective bargaining agreement.

# South Bend Police Department

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### *Subpoenas and Court Appearances*

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

#### **325.3.3 OFF-DUTY RELATED SUBPOENAS**

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

#### **325.4 FAILURE TO APPEAR**

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

#### **325.5 COURTROOM PROTOCOL**

Members must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are scheduled to appear.

Members shall dress in the department uniform or business attire.

Members shall observe all rules of the court in which they are appearing and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

##### **325.5.1 TESTIMONY**

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

#### **325.6 OVERTIME APPEARANCES**

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current collective bargaining agreement.



## Auxiliary Members

### 326.1 PURPOSE AND SCOPE

This policy establishes the guidelines for South Bend Police Department auxiliary members to supplement and assist department personnel in their duties.

#### 326.1.1 DEFINITIONS

Definitions related to this policy include:

**Auxiliary member** - A civilian affiliated with the South Bend Police Department, in a part-time, unsalaried, non-sworn, support capacity. This may include Cadets (college students) and Interns.

### 326.2 POLICY

The South Bend Police Department shall ensure that auxiliary members are properly appointed, trained and supervised and that they maintain the appropriate certifications and readiness to carry out their assigned duties.

### 326.3 RECRUITMENT AND SELECTION

The South Bend 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.

#### 326.3.1 APPOINTMENT

Applicants who are selected for appointment as auxiliary members shall, on the recommendation of the Chief of Police, be assigned as required.

Auxiliary members are considered at-will employees and may be dismissed at the discretion of the Chief of Police, with or without cause. Auxiliary members shall have no property interest in continued appointment. However, if an auxiliary member is removed for alleged misconduct, the auxiliary member will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

### 326.4 IDENTIFICATION AND UNIFORMS

Auxiliary members will be issued South Bend Police Department uniforms, badges, if appropriate, and identification cards. Identification symbols worn by uniformed auxiliary members shall be different and distinct from those worn by regular department personnel through the inclusion of "Cadet" on the badges and shoulders of the uniforms. The identification cards will be the standard South Bend Police Department identification cards with the exception that "Cadet" or "Intern" will be indicated on the cards.

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### *Auxiliary Members*

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#### **326.5 COMPENSATION**

Compensation for auxiliary members shall be as prescribed by the ordinances of the City of South Bend.

#### **326.6 COMPLIANCE**

Auxiliary members shall be required to adhere to all department policies and procedures. A copy of the policies and procedures will be made available to each auxiliary member upon appointment. Auxiliary members shall become thoroughly familiar with these policies.

Whenever a rule, regulation or guideline in this Policy Manual refers to regular department personnel, it shall also apply to an auxiliary member, unless by its nature it is inapplicable.

Auxiliary members are required by this department to meet department-approved training requirements as applicable to their assignment.

#### **326.7 CARRYING OF WEAPONS**

Auxiliary members are prohibited from carrying firearms or defense devices except with the permission of the Chief of Police or the authorized designee. Should permission to carry firearms or defense devices be granted, auxiliary members must complete the same course of training and abide by the same standards and policies as required of police officers in compliance with the Firearms Policy.

#### **326.8 AUXILIARY COORDINATOR**

The Chief of Police shall delegate certain responsibilities to the Training Bureau coordinator. The coordinator shall be appointed by and directly responsible to the Operations Division Chief or the authorized designee.

##### **326.8.1 AUXILIARY MEMBER MEETINGS**

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

#### **326.9 SUPERVISION**

All auxiliary members shall be under the direct or indirect supervision of a supervisor or department member in charge. Auxiliary members shall never supervise regular department personnel.

##### **326.9.1 EVALUATIONS**

While in training, auxiliary members should be continuously evaluated using standardized daily and weekly observation reports. Auxiliary members will be considered trainees until they have satisfactorily completed training. Auxiliary members who have completed their training should be evaluated annually using performance dimensions applicable to the duties and authorities granted to auxiliary members.

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### *Auxiliary Members*

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#### 326.9.2 INVESTIGATIONS AND COMPLAINTS

If auxiliary members have a personnel complaint made against them or become involved in an internal investigation, the matter shall be investigated in compliance with the Personnel Complaints Policy.

## Outside Agency Assistance

### 327.1 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.

### 327.2 POLICY

It is the policy of the South Bend 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.

### 327.3 ASSISTING OUTSIDE AGENCIES

Generally, requests from an outside agency to the South Bend Police Department for any type of assistance should be routed to the Shift Supervisor's office for approval.

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 and the Communication Center 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.

#### 327.3.1 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 City of South Bend shall notify his/her supervisor or the Shift Supervisor and Communication Center as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

### 327.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

Mutual aid assistance may be either interlocal or intrastate.

# South Bend Police Department

## Policy Manual

### *Outside Agency Assistance*

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#### **327.4.1 INTERLOCAL MUTUAL AID**

The South Bend Police Department may enter an interlocal mutual aid agreement with another law enforcement agency for the purpose of providing and receiving aid and assistance (I.C. § 36-1-7-3).

Officers responding to a request for interlocal assistance shall have the same powers and duties as the requesting agency's law enforcement officers during the duration of the request for assistance (I.C. § 36-1-7-7).

Officers responding to a request for assistance remain subject to the rules and regulations of the South Bend Police Department (I.C. § 36-1-7-7).

#### **327.4.2 REQUESTING INTRASTATE MUTUAL AID**

Requests for intrastate mutual aid assistance (I.C. § 10-14-3-10.8):

- (a) May be written or oral.
  - 1. An oral request shall be confirmed in writing not later than 72 hours after the oral request is made.
- (b) Must include:
  - 1. A description of the incident, disaster, exercise, training activity or planned event; the assistance or aid needed; and an estimate of the length of time that they will be needed.
  - 2. The location and time of staging and the name of the point of contact at the staging location.
  - 3. A statement that the request for mutual aid is made through the intrastate mutual aid program.

#### **327.5 REPORTING REQUIREMENTS**

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Shift Supervisor.

#### **327.6 MANDATORY SHARING**

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Services Section Captain or the authorized designee.

The documentation should include:

- (a) The conditions relative to sharing.
- (b) The training requirements for:
  - 1. The use of the equipment and supplies.
  - 2. The members trained in the use of the equipment and supplies.
- (c) Any other requirements for use of the equipment and supplies.

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### *Outside Agency Assistance*

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

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

## Major Incident Notification

### 328.1 PURPOSE AND SCOPE

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

### 328.2 POLICY

The South Bend 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.

### 328.3 CRITERIA FOR NOTIFICATION

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

- Officer-involved shooting, whether on- or off-duty (see the Officer-Involved Shootings and Deaths Policy for special notification)
- Homicides, suspicious deaths or deaths related to law enforcement activity
- Crimes of unusual violence or circumstances that may include hostages, barricaded persons, home invasions, armed robbery or sexual assaults
- At-risk missing children or missing endangered adults
- In-custody deaths
- Aircraft, train, boat or other transportation accidents with major damage and/or injury or death
- Traffic accidents with fatalities or severe injuries
- Death of a prominent South Bend official
- Significant injury or death to a member of the Department, whether on- or off-duty
- Arrest of a member of the Department or prominent South Bend official
- Equipment failures, utility failures and incidents that may affect staffing or pose a threat to basic police services
- Any other incident that has attracted or is likely to attract significant media attention

### 328.4 SHIFT SUPERVISOR RESPONSIBILITIES

The Shift Supervisor is responsible for making the appropriate notifications. 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 notifications as soon as practicable.

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### *Major Incident Notification*

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Notification should be made by using the call notification protocol posted in Communication Center.

#### 328.4.1 COMMAND STAFF NOTIFICATION

In the event an incident occurs as identified in the Criteria for Notification section above, the Chief of Police shall be notified along with the Patrol Division Chief, the Investigative Bureau Division Chief, all Captains and anyone else authorized by the Chief of Police.

#### 328.4.2 INVESTIGATOR NOTIFICATION

If the incident requires that an investigator respond from home, the immediate supervisor of the appropriate detail shall be notified, who will then contact the appropriate investigator.

#### 328.4.3 PATROL DIVISION NOTIFICATION

In the event of a major injury or traffic fatality, the Patrol Division supervisor shall be notified, who will then contact the appropriate investigator. The Patrol Division supervisor will notify the Special Events/Traffic Coordinator.

#### 328.4.4 PUBLIC INFORMATION OFFICER

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



## Death Investigation

### 329.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers initially respond to and investigate the circumstances of a deceased person.

Some causes of death may not be readily apparent and some cases differ substantially from what they appear to be initially. The thoroughness of death investigations and use of appropriate resources and evidence-gathering techniques is critical.

### 329.2 POLICY

It is the policy of the South Bend Police Department to respond, document and investigate incidents where a person is deceased. Investigations involving the death of a person, including those from natural causes, accidents, vehicle crashes, workplace incidents, suicide and homicide, shall be initiated, investigated and properly documented.

### 329.3 INVESTIGATION CONSIDERATIONS

Emergency medical services shall be called in all suspected death cases unless death is obvious (e.g., decapitated, decomposed).

A supervisor shall be notified as soon as possible to assist and provide appropriate personnel and resources. The on-scene supervisor should determine whether follow-up investigation is required and notify the Investigative Bureau Division Commander as necessary. The Shift Supervisor will make notification to command staff in accordance with the Major Incident Notification Policy.

#### 329.3.1 REPORTING

All incidents involving a death shall be documented on an appropriate preliminary report (Code 2).

#### 329.3.2 CORONER REQUEST

Officers are not authorized to pronounce death unless they are also Coroners, Deputy Coroners or appointed Coroner investigators. The Coroner shall be called in all sudden or unexpected deaths or deaths due to other than natural causes. State law requires that the Coroner be notified when any person dies (I.C. § 35-45-19-3):

- (a) As a result of violence, suicide or accident.
- (b) Suddenly when in apparently good health.
- (c) While unattended.
- (d) From poisoning or an overdose of drugs.
- (e) As a result of a disease that may constitute a threat to public health.
- (f) As a result of a disease, an injury, a toxic effect or unusual exertion incurred within the scope of the deceased person's employment.
- (g) Due to suspected sudden infant death syndrome.

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### *Death Investigation*

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- (h) As a result of a diagnostic or therapeutic procedure.
- (i) Under any other suspicious or unusual circumstances.

#### 329.3.3 SEARCHING DEAD BODIES

- (a) The Coroner, his/her assistant and authorized investigators are generally the only persons permitted to move, handle or search a dead body.
- (b) An officer may make a reasonable search of an individual when the person is reasonably believed to be dead, or near death, for the purpose of identification or for information identifying the individual as an anatomical donor. If a donor document is located, the Coroner or his/her assistant shall be promptly notified.
- (c) The Coroner may take property, objects or articles found on the deceased or in the immediate vicinity of the deceased that may be necessary for conducting an investigation to determine the identity of the deceased or the cause or manner of death.
- (d) Should exigent circumstances indicate to an officer that any other search of a known dead body is warranted prior to the arrival of the Coroner or his/her assistant, the investigating officer should first obtain verbal consent from the Coroner or his/her assistant when practicable.
- (e) Whenever reasonably possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain nearby the scene and available to the officer pending the arrival of the Coroner or his/her assistant. The name and address of this person shall be included in the narrative of the death report.

#### 329.3.4 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the officer shall take steps to protect the scene and separate known witnesses. The Investigations Bureau, duty officer and coroner shall be notified to determine the possible need for an investigator to respond to the scene.

If the on-scene supervisor, through consultation with the Investigations Bureau, duty officer or coroner, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide. The CMHU should be contacted at that time.

The investigator assigned to investigate a homicide or death that occurred 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.

#### **329.4 DEATH NOTIFICATION**

When reasonably practicable, and if not handled by the Coroner's Office or the CMHU, notification to the next-of-kin of the deceased person should be made, in person, by the supervisor 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.

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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.

## Citizen's Arrest

### 330.1 PURPOSE AND SCOPE

This policy provides guidance for the handling and acceptance of a citizen's arrest.

### 330.2 POLICY

It is the policy of the South Bend Police Department to accept a citizen's arrest only when legal and appropriate.

### 330.3 ARRESTS BY CITIZEN

A citizen may arrest another when (I.C. § 35-33-1-4(a); I.C. § 35-33-6-2):

- (a) Another person has committed a felony in his/her presence.
- (b) A felony has been committed and there is probable cause to believe that the other person has committed that felony.
- (c) A misdemeanor involving a breach of peace is being committed and the arrest is necessary to prevent the continuance of the breach of peace.
- (d) The citizen is an owner or agent of a business, has probable cause to believe that a theft has occurred or is occurring on or about the business and the person detained is the one who committed or is committing the theft.

### 330.4 OFFICER RESPONSIBILITIES

An officer confronted with a person claiming to have made a private person's arrest should determine whether such an arrest is lawful (I.C. § 35-33-1-4(c)).

If the officer determines that the citizen's arrest is unlawful, the officer should:

- (a) Take no action to further detain or restrain the arrested individual, unless there is independent justification for continuing a detention.
- (b) Advise the parties that the arrest will not be accepted but the circumstances will be documented in a report.
- (c) Document the incident, including the basis for refusing to accept custody of the individual.

Whenever an officer determines that a citizen's arrest is justified, the officer may take the individual into custody and proceed in the same manner as with any other arrest.

## Limited English Proficiency Services

### 331.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

#### 331.1.1 DEFINITIONS

Definitions related to this policy include:

**Authorized interpreter** - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

**Interpret or interpretation** - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

**Limited English proficiency (LEP) individual** - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still exhibit LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

**Qualified bilingual member** - A member of the South Bend Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

**Translate or translation** - The replacement of written text from one language (source language) into an equivalent written text (target language).

### 331.2 POLICY

It is the policy of the South Bend Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

### 331.3 LEP COORDINATOR

The Chief of Police shall delegate certain responsibilities to an LEP coordinator. The coordinator shall be appointed by, and directly responsible to, the Patrol Division Chief or the authorized designee.

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

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- (a) Coordinating and implementing all aspects of the South Bend Police Department's LEP services to LEP individuals.
- (b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.
- (c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Shift Supervisor and the Director of Communications. The list should include information regarding the following:
  - 1. Languages spoken
  - 2. Contact information
  - 3. Availability
- (d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.
- (e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
- (f) Annually assessing demographic data and other resources, including contracted language services utilization data and data from community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (g) Identifying standards and assessments to be used by this department to qualify individuals as qualified bilingual members or authorized interpreters.
- (h) Periodically reviewing efforts of this department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, developing new procedures or recommending modifications to this policy.
- (i) Receiving and responding to complaints regarding department LEP services.
- (j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

#### **331.4 FOUR-FACTOR ANALYSIS**

The South Bend Police Department recognizes that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of the following four factors, which are:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of this department or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.

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- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

#### **331.5 TYPES OF LEP ASSISTANCE AVAILABLE**

South Bend Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

#### **331.6 WRITTEN FORMS AND GUIDELINES**

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

#### **331.7 AUDIO RECORDINGS**

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

#### **331.8 QUALIFIED BILINGUAL MEMBERS**

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual member from this department is not available, personnel from other City departments who have been identified by the Department as having the requisite skills and competence may be requested.

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### *Limited English Proficiency Services*

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#### **331.9 AUTHORIZED INTERPRETERS**

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP coordinator that demonstrates that their skills and abilities in the following areas:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

##### **331.9.1 SOURCES OF AUTHORIZED INTERPRETERS**

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

##### **331.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE**

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.



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### *Limited English Proficiency Services*

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Where qualified bilingual members or other authorized 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 LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

#### **331.10 CONTACT AND REPORTING**

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation that involves a situation in which interpretation services were provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

#### **331.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE**

The South Bend Police Department will take reasonable steps and will work with the Human Resources Department to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

#### **331.12 FIELD ENFORCEMENT**

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

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### *Limited English Proficiency Services*

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#### **331.13 INVESTIGATIVE FIELD INTERVIEWS**

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

#### **331.14 CUSTODIAL INTERROGATIONS**

Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

#### **331.15 BOOKINGS**

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, to protect the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained, if available. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

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### *Limited English Proficiency Services*

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#### **331.16 COMPLAINTS**

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during a complaint investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

#### **331.17 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide access to such programs and services.

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## Communications with Persons with Disabilities

### 332.1 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.

#### 332.1.1 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** - An individual who has or is regarded as being substantially limited in a major life activity, including hearing or seeing, with or without assistance other than ordinary eyeglasses or contacts (42 USC § 12101). This includes a person who has a hearing loss that prevents the person from receiving and understanding voice communication with or without amplification and uses American Sign Language, English-based signed systems, tactile methods, writing, reading, speech reading, finger spelling or beneficial assistive devices as a primary means of communication (460 IAC 2-2.1-2).

**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 by the Department of Health and Human Services (460 IAC 2-3-3).

### 332.2 POLICY

It is the policy of the South Bend 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.

### 332.3 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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### *Communications with Persons with Disabilities*

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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 his/her understanding.
- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

#### **332.4 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 should be given primary consideration unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication

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should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, is hard of hearing or has impaired speech must be handcuffed while in the custody of the South Bend 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.

#### **332.5 TYPES OF ASSISTANCE AVAILABLE**

South Bend Police Department members shall never refuse an available service to an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall it require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to disabled individuals through a variety of services.

Disabled individuals may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

#### **332.6 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 (e.g., a personnel complaint form) or provide forms with enlarged print.

#### **332.7 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 preferably 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).

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### *Communications with Persons with Disabilities*

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- (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 60 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).

#### **332.8 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, are hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

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

#### **332.9 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.

#### **332.10 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):

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- (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.

#### **332.11 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.

#### **332.12 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.

##### **332.12.1 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:



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- (a) Hand gestures or visual aids with an individual who is deaf, is hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

#### **332.13 CUSTODIAL INTERROGATIONS**

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

#### **332.14 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, are hard of hearing, have impaired speech or vision, are blind, or have other disabilities.

#### **332.15 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 and/or as required. Complaints will be referred to the

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Internal Affairs/Office of Professional Standards who will contact the ADA coordinator if/when applicable.

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.

#### **332.16 COMMUNITY OUTREACH**

Community outreach programs and other such services are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

## Chaplains

### 333.1 PURPOSE AND SCOPE

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

### 333.2 POLICY

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

### 333.3 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, free from addiction to alcohol or other drugs, and free from excessive debt.
- (b) Be ordained within their respective religion.
- (c) Having a good reputation in the community.
- (d) Successful completion of an appropriate-level background investigation.
- (e) A minimum of five years of successful counseling experience.
- (f) Possession of a valid driver's license.

The Chief of Police may allow exceptions to these eligibility requirements based on organizational needs and the qualifications of the individual.

### 333.4 RECRUITMENT, SELECTION AND APPOINTMENT

The South Bend 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.

#### 333.4.1 RECRUITMENT

Chaplains should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity and non-discriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the Department in serving sworn personnel, non-sworn personnel and the public.

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### *Chaplains*

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#### **333.4.2 SELECTION AND APPOINTMENT**

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

- (a) Submit the appropriate written application and required attachments (e.g., resume, reference letters, copy of driver's license).
- (b) Include a recommendation from employers or volunteer programs.
- (c) Interview with the chaplain coordinator.
- (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.

#### **333.5 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. Chaplain uniforms shall not reflect any religious affiliation.

Chaplains will be issued South Bend Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard South Bend 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.

#### **333.6 CHAPLAIN COORDINATOR**

The Chief of Police shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Logistics Bureau Captain or the authorized designee.

The chaplain coordinator shall serve as the liaison between the chaplains and the Chief of Police. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Chief of Police or the authorized designee, chaplains shall report to the chaplain coordinator and/or Shift Supervisor.

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### *Chaplains*

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The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

- (a) Recruiting, selecting and training qualified chaplains.
- (b) Conducting chaplain meetings.
- (c) Establishing and maintaining a chaplain callout roster.
- (d) Maintaining records for each chaplain.
- (e) Tracking and evaluating the contribution of chaplains.
- (f) Maintaining a record of chaplain schedules and work hours.
- (g) Completing and disseminating, as appropriate, all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Maintaining a liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

#### **333.7 DUTIES AND RESPONSIBILITIES**

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to support the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills and 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 South Bend Police Department.

##### **333.7.1 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.

##### **333.7.2 OPERATIONAL GUIDELINES**

- (a) Generally, chaplains will be scheduled to be on-call for a period of seven consecutive days during each month, beginning on Monday and ending on the following Sunday.

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### *Chaplains*

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- (b) Generally, each chaplain will serve with South Bend Police Department personnel a minimum of four hours during the week they are on-call.
- (c) At the end of each on-call week, the chaplain will complete a chaplain report and submit it to the chaplain coordinator.
- (d) Chaplains shall be permitted to ride with officers during any shift and observe South Bend Police Department operations, provided the Shift Supervisor has been notified and has approved the activity.
- (e) Chaplains shall not be evaluators of members of the Department.
- (f) In responding to incidents, a chaplain shall never function as an officer.
- (g) When responding to in-progress calls for service, chaplains should be required to stand-by in a secure area until the situation has been deemed safe by an on-scene supervisor.
- (h) Chaplains shall serve only within the jurisdiction of the South Bend Police Department unless otherwise authorized by the Chief of Police or the authorized designee.

#### 333.7.3 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 who are dealing with the public during significant incidents (e.g., accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse).
- (e) Providing counseling and support for members and their families.
- (f) Being alert to the needs of members and their families.

#### 333.7.4 ASSISTING THE DEPARTMENT

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

- (a) Assisting members in defusing a conflict or incident, when requested.
- (b) Responding to any significant incident (e.g., natural and accidental deaths, suicides and attempted suicides, family disturbances) in which the Shift Supervisor or supervisor believes the chaplain could assist in accomplishing the mission of the Department.

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### Chaplains

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- (c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.
- (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) Training others to enhance the effectiveness of the Department.

#### 333.7.5 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 a 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.

#### 333.7.6 CHAPLAIN MEETINGS

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

#### 333.8 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Department may work or volunteer for the South Bend 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. 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 South Bend Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

## Public Safety Video System

### 334.1 PURPOSE AND SCOPE

This policy provides guidance for the use of the South Bend Police Department's video management system, video processing systems, and Real Time Crime Center technology platform.

Current tools

A. Video Management System (VMS)

Milestone is the Department's current VMS and primary application for viewing and retrieving video from the public safety cameras owned and operated by the City of South Bend.

B. Real Time Crime Center Technology Platform

The City's current Real Time Crime Center Technology Platform is Fusus. The Fusus Real Time Crime Center technology platform consists of fususONE, fususOPS, fususALERT, fususREGISTRY, fususTIPS, fususVAULT, and thefususCORE hardware appliance.

Fusus pulls together data and video from several other sources and systems. As of the issuance of this policy, those systems include FLOCK, CommandCentral, Milestone, Necam, Utility, and ADSI.

### 334.2 POLICY

The South Bend Police Department operates a public safety video surveillance system to complement its anti-crime strategy, to effectively allocate and deploy personnel, and to enhance public safety and security in public areas. Cameras may be placed in strategic locations throughout the City to detect and deter crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters, and to assist City officials in providing services to the community.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

### 334.3 OPERATIONAL GUIDELINES

Only department-approved video surveillance equipment shall be utilized. Members authorized to monitor video surveillance equipment shall only monitor

- Public areas where no reasonable expectation of privacy exists
- Public activities where no reasonable expectation of privacy exists
- Public areas owned by private entities where specific permissions and partnerships have been established for real time monitoring from the property owner. No reasonable expectation of privacy will exist in these areas.



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### *Public Safety Video System*

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The Chief of Police or the authorized designee and the Mayor of the City of South Bend shall approve all proposed locations for the use of video surveillance technology and should consult with and be guided by legal counsel as necessary in making such determinations.

Sworn or civilian SBPD employees may be members authorized to monitor video surveillance as determined by the Chief of Police or their designee.

Members authorized to monitor video surveillance will:

- Have thorough knowledge and understanding of this Public Safety Video Policy 334
- Be trained on system use and security of access
- Be Criminal Justice Information Services (CJIS) compliant

#### 334.3.1 USE OF CAMERA, VIDEO, PLACEMENT, AND MONITORING

The South Bend Police Department is committed to the protection of individual rights as governed by the United States Constitution, the Indiana Constitution, and Federal, State and local law. Collection of public and private video streams are strictly intended for legitimate law enforcement purpose and never for the arbitrary collection of video surveillance.

#### 334.3.2 VIDEO USE

All video saved shall only be for evidentiary, court, internal or administrative investigation, or training (with the approval of the training unit commander) purposes. Video can also be saved for other agencies for these purposes through the Real Time Crime Center.

#### 334.3.3 CAMERA PLACEMENT

Camera placement will be guided by the underlying purpose or strategy associated with the overall video surveillance plan. As appropriate, the Chief of Police should confer with other affected City divisions and designated community groups when evaluating camera placement. Environmental factors, including lighting, location of buildings, presence of vegetation or other obstructions, should also be evaluated when determining placement. Decisions concerning which areas are selected for video surveillance shall be made by command staff members holding the rank of Captain and above and shall be continually evaluated for need and effectiveness. These location selections will then be approved by the Chief of Police and the Mayor of the City of South Bend.

#### 334.3.4 CAMERA USE

1. Cameras shall only record video images and not sound. Recorded images may be used for a variety of purposes, including criminal investigations and monitoring of activity around high-value or high-threat areas. The public safety video surveillance system may be useful for the following purposes:
  - (a) To prevent, deter and identify criminal activity.
  - (b) To target identified public areas of gang and narcotics complaints or activity.
  - (c) To respond to critical incidents.
  - (d) To assist in identifying, and apprehending, and prosecuting offenders.

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### *Public Safety Video System*

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- (e) To document officer and offender conduct during interactions to safeguard the rights of the public and officers.
- (f) To augment resources in a cost-effective manner.
- (g) To monitor pedestrian and vehicle traffic activity and safety.

Camera images from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera.

2. When activity warranting further investigation is reported or detected at any camera location, the available information should be provided to responding officers in a timely manner.

#### **334.3.5 MONITORING**

The Chief of Police may authorize video feeds from the public safety video surveillance system to be forwarded to a specified location for monitoring by other than police personnel, such as allied government agencies, road or traffic crews or fire or emergency operations personnel. By agreeing to receive any authorized video feeds, other City personnel agree to abide by the rules governing the use of public safety video surveillance. Outside entities shall agree in writing to abide by the City's rules governing the use of public safety video surveillance prior to receiving any authorized video feed under this section. Decision concerning which areas are selected for video surveillance shall be made by command staff members holding the rank of Captain and above and shall be continually evaluated for need and effectiveness. These location selections will then be approved by the Chief of Police and the Mayor of the City of South Bend.

Unauthorized recording, viewing, reproduction, dissemination, or retention is prohibited.

#### **334.3.6 INTEGRATION WITH OTHER TECHNOLOGY**

The Department may elect to integrate its public safety video surveillance system with other technology to enhance available information. Systems such as gunshot detection, incident mapping, crime analysis, license plate recognition, mobile audio/video systems, covert audio/video systems or any other image-capturing devices used by the Department and other video-based analytical systems may be considered based upon availability and the nature of department strategy.

The Department should evaluate the availability and propriety of networking or otherwise collaborating with appropriate private sector entities and should evaluate whether the use of certain camera systems, such as pan-tilt-zoom systems, video enhancement or other analytical technology, requires additional safeguards.

#### **334.4 VIDEO SUPERVISION**

Supervisors should monitor video surveillance access and usage to ensure members follow department policy and applicable laws. Supervisors should ensure such use and access is appropriately documented.

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### *Public Safety Video System*

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#### 334.4.1 SYSTEM ACCESS

A list of all users who have access to police video systems, including the Real Time Crime Center, shall be maintained by the system administrator. Employees shall have their own username or a group username and password to log-in to the platform, and they shall only use that log-in information for access.

#### 334.4.2 PROHIBITED ACTIVITY

Public safety video surveillance systems shall not and will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Public safety video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target individuals or groups based solely on actual or perceived characteristics including, but not limited to race, color, religion, sex, age, national origin or ancestry, disability, gender identity or sexual orientation.

Video surveillance equipment shall not be used to harass, intimidate, or discriminate against any individual or group.

Misuse of public video surveillance systems will subject employees to administrative disciplinary action up to termination and potentially criminal penalties.

#### **334.5 STORAGE AND RETENTION OF MEDIA**

Video must be downloaded to be retained for use. All downloaded media shall be stored in a secure manner with access restricted to authorized persons. A recording needed as evidence shall be copied to a suitable medium and logged into evidence in accordance with established evidence procedures. All actions taken with respect to retention of media shall be appropriately documented.

The type of video surveillance technology employed and the manner in which recordings are used and stored will affect retention periods. The recordings should be stored and retained in accordance with the established records retention schedules and Indiana law. (See SBPD's Records Maintenance and Release [Policy 803](#))

All video downloaded whether from a City camera system or from a business partner's camera system is deemed as property/evidence of the City of South Bend for all intents and purposes and may be subject to disclosure under applicable public records laws.

SBPD maintains ownership of video over any third party vendor.

#### 334.5.1 EVIDENTIARY INTEGRITY

All downloaded and retained media shall be treated in the same manner as other evidence. Media shall be accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, digital masking of innocent or uninvolved individuals to preserve anonymity, authenticity certificates and date and time stamping, shall be used as appropriate to preserve

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### *Public Safety Video System*

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individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

#### **334.6 RELEASE OF VIDEO IMAGES**

All recorded video images downloaded by the public safety video surveillance equipment are for the official use of the South Bend Police Department.

Requests for downloaded video images from the public or the media shall be processed in the same manner as requests for department public records and shall be subject to applicable costs.

Requests for downloaded images from other law enforcement agencies shall be referred to the Public Information Officer/Media Liaison for release in accordance with a specific and legitimate law enforcement purpose.

Downloaded video images that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process.

#### **334.7 VIDEO SURVEILLANCE AUDIT**

The Chief of Police or the authorized designee will conduct an annual review of the public safety video surveillance system. The review should include, but is not limited to, any public safety issues that were effectively addressed or any significant prosecutions that resulted, and any systemic operational or administrative issues that were identified, including those related to training, discipline, or policy.

The results of each review shall be appropriately documented and maintained by the Chief of Police or the authorized designee and other applicable advisory bodies. Any recommendations for training or policy should be promptly addressed.

#### **334.8 BUSINESS CAMERA PARTNERSHIP**

The City of South Bend will partner with participating businesses in the sharing of video sources and permit the access of information with the goal of providing enhanced responsiveness and situational awareness. The City and each participating business shall enter into a memorandum of understanding which will allow access to their video camera system through the Real Time Crime Center. All SBPD public safety video surveillance system policies and guidelines shall be followed. ( [See attachment: Business MOU Camera.pdf](#) )

## Child and Dependent Adult Safety

### 335.1 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.

### 335.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The South Bend Police Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected.

### 335.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably and safely possible, officers should consider reasonable alternatives to arresting a parent, guardian or caregiver in the presence of his/her child or dependent adult.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be nonproductive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

#### 335.3.1 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.

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### *Child and Dependent Adult Safety*

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Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
- (b) Unless there is evidence that it would not be in the dependent person's best interest (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
  - 1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify the Department of Child Services or Adult Protective Services, if appropriate.
- (e) Notify the field supervisor or Shift Supervisor of the disposition of children or dependent adults.
- (f) Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

#### 335.3.2 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting member will document the following information:
  - 1. Name
  - 2. Sex
  - 3. Age
  - 4. Special needs (e.g., medical, mental health)
  - 5. How, where and with whom or which agency the child was placed
  - 6. Identities and contact information for other potential caregivers
  - 7. Notifications made to other adults (e.g., schools, relatives)

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### *Child and Dependent Adult Safety*

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- (b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:
1. Name
  2. Sex
  3. Age
  4. Whether the person reasonably appears able to care for him/herself
  5. Disposition or placement information if he/she is unable to care for him/herself

#### **335.3.3 SUPPORT AND COUNSELING REFERRAL**

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis response telephone number, the appropriate referral information may be provided.

#### **335.4 DEPENDENT WELFARE SERVICES**

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service agency to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked law enforcement vehicle or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

## Service Animals

### 336.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure that the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA).

#### 336.1.1 DEFINITIONS

Definitions related to this policy include:

**Service animal** - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104; I.C. § 16-32-3-1.5).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

### 336.2 POLICY

It is the policy of the South Bend Police Department to provide services and access to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

### 336.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.



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### *Service Animals*

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- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

#### **336.4 MEMBER RESPONSIBILITIES**

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the South Bend Police Department affords to all members of the public (28 CFR 35.136).

##### **336.4.1 INQUIRY**

If it is apparent or if a member is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The individual should not be questioned about his/her disability nor should the person be asked to provide any license, certification or identification card for the service animal.

##### **336.4.2 CONTACT**

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

##### **336.4.3 REMOVAL**

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an officer may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services that are reasonably available to an individual with a disability, with or without a service animal.

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#### 336.4.4 COMPLAINTS

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

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

## Volunteers

### 337.1 PURPOSE AND SCOPE

This policy establishes the guidelines for South Bend Police Department volunteers to supplement and assist department personnel in their duties. Trained volunteers are members who can augment department personnel and help complete various tasks.

#### 337.1.1 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, interns, persons providing administrative support, and Junior Cadets, Volunteers in Police Service (VIPS), and Traffic Enforcement officers (TEOs), among others.

### 337.2 POLICY

The South Bend Police Department shall ensure that volunteers are properly appointed, trained and supervised to carry out specified tasks and duties in order to create an efficient department and improve services to the community.

### 337.3 ELIGIBILITY

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

- (a) Residency in the City of South Bend.
- (b) Being at least 18 years of age for all positions other than Explorer.
- (c) Being at least 14 years of age for Explorer.
- (d) Possession of a valid driver's license if the position requires vehicle operation.
- (e) Possession of liability insurance for any personally owned equipment or vehicles utilized during volunteer work.
- (f) No conviction of a felony, any crime of a sexual nature or against children, any crime related to assault or violence, any crime related to dishonesty, or any crime related to impersonating a law enforcement officer.
- (g) No conviction of a misdemeanor crime within the past five years, excluding petty misdemeanor traffic offenses.
- (h) No mental illness or chemical dependency condition that may adversely affect the person's ability to serve in the position.
- (i) Ability to meet physical requirements reasonably appropriate to the assignment.

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- (j) A personal background history and character suitable for a person representing the Department, as validated by a background investigation.

The Chief of Police may allow exceptions to these eligibility requirements based on organizational needs and the qualifications of the individual.

#### **337.4 RECRUITMENT, SELECTION AND APPOINTMENT**

The South Bend 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.

##### **337.4.1 RECRUITMENT**

Volunteers should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity, non-discriminatory 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.

Requests for volunteers should be submitted in writing by interested department members to the volunteer coordinator through the requester's immediate supervisor. A complete description of the volunteer's duties and a requested time frame should be included in the request. All department members should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The volunteer coordinator may withhold assignment of any volunteer until such time as the requester is prepared to make effective use of volunteer resources.

##### **337.4.2 SELECTION**

Volunteer candidates shall successfully complete the following process prior to appointment as a volunteer:

- (a) Submit the appropriate written application.
- (b) Interview with the volunteer coordinator.
- (c) Successfully complete an appropriate-level background investigation.

##### **337.4.3 APPOINTMENT**

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment by the Chief of Police or the authorized designee. Notice may only be given by an authorized representative of the Department, who will normally be the volunteer coordinator.

No volunteer should begin any assignment until he/she has been officially accepted for that position and has completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of the position description and agreement of service with the Department.

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

Volunteers serve at the discretion of the Chief of Police.

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#### **337.5 IDENTIFICATION AND UNIFORMS**

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. When applicable, uniforms and necessary safety equipment will be provided to volunteers. Identification symbols worn by volunteers shall be different and distinct from those worn by officers or other members of this department through the inclusion of "Volunteer" on the uniform.

Volunteers will be issued South Bend Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard South Bend Police Department identification cards, with the exception that "Volunteer" will be indicated on the cards.

#### **337.6 PERSONNEL WORKING AS VOLUNTEERS**

Qualified regular department personnel, when authorized, may also serve as volunteers. However, this department shall not utilize the services of volunteers in such a way that it would violate employment laws or employee bargaining agreements (e.g., a detention officer participating as a volunteer for reduced or no pay). Therefore, the volunteer coordinator should consult with the Human Resources Department prior to allowing regular department personnel to serve in a volunteer capacity (29 CFR 553.30).

#### **337.7 VOLUNTEER COORDINATOR**

The coordinator shall be appointed by and directly responsible to the Patrol Division Chief or the authorized designee.

The volunteer coordinator shall serve as the liaison between the volunteers and the Patrol Division Chief. The function of the coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist efforts to jointly provide more productive volunteer services. Under the general direction of the Patrol Division Chief or the authorized designee, volunteers shall report to the volunteer coordinator and/or Shift Supervisor.

The volunteer coordinator may appoint a senior volunteer or other designee to assist in the coordination of volunteers and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

- (a) Recruiting, selecting and training qualified volunteers.
- (b) Conducting volunteer meetings.
- (c) Establishing and maintaining a volunteer callout roster.
- (d) Maintaining records for each volunteer.
- (e) Tracking and evaluating the contribution of volunteers.
- (f) Maintaining a record of volunteer schedules and work hours.

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- (g) Completing and disseminating, as appropriate, all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Maintaining a liaison with other community programs that use volunteers and assisting in community-wide efforts to recognize and promote volunteering.
- (j) Maintaining volunteer orientation and training materials and outlining expectations, policies and responsibilities for all volunteers.

An evaluation of the overall use of volunteers will be conducted on an annual basis by the coordinator.

#### **337.8 DUTIES AND RESPONSIBILITIES**

Volunteers assist department personnel as needed. Assignments of volunteers will usually be to augment the Patrol Division, but volunteers may be assigned to other areas within the Department as needed. Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills and abilities and the needs of the Department.

All volunteers will be assigned to duties by the volunteer coordinator or the authorized designee.

##### **337.8.1 COMPLIANCE**

Volunteers shall be required to adhere to all department policies and procedures. A copy of the policies and procedures will be made available to each volunteer upon appointment. The volunteer shall become thoroughly familiar with these policies.

Whenever a rule, regulation or guideline in this Policy Manual refers to regular department personnel, it shall also apply to a volunteer, unless by its nature it is inapplicable.

Volunteers are required by this department to meet department-approved training requirements as applicable to their assignments.

##### **337.8.2 VOLUNTEER MEETINGS**

All volunteers shall attend required meetings. Any absences must be satisfactorily explained to the volunteer coordinator.

#### **337.9 TASK-SPECIFIC TRAINING**

Task-specific training is intended to provide the required instruction and practice for volunteers to properly and safely perform their assigned duties. A volunteer's training should correspond to his/her assignment as determined by the volunteer coordinator.

Volunteers will be provided with an orientation program to acquaint them with the policies of the Department and law enforcement procedures applicable to their assignments.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete the required tasks, and should receive ongoing training as deemed appropriate by their supervisors or the volunteer coordinator.

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Training should reinforce to volunteers that they shall not intentionally represent themselves as, or by omission infer that they are, officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all applicable orders and directives, either oral or written, issued by the Department.

#### **337.9.1 VOLUNTEER TRAINING MATERIALS**

Each new volunteer will be issued volunteer training materials. The materials outline the subject matter and skills necessary to properly function as a volunteer with the South Bend Police Department. The volunteer shall become knowledgeable of the subject matter and proficient with the skills as set forth in the training materials.

#### **337.10 SUPERVISION**

Each volunteer must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the volunteer's assigned duties. The following are some considerations that supervisors should keep in mind while supervising volunteers:

- (a) Take the time to introduce volunteers to members on all levels.
- (b) Ensure volunteers have work space and necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give volunteers an assignment or task that will tap these valuable resources.

A volunteer may be assigned as a supervisor of other volunteers, provided that the supervising volunteer is under the direct supervision of an employee of the South Bend Police Department.

#### **337.10.1 EVALUATIONS**

While in training, volunteers should be continuously evaluated using standardized daily and weekly observation reports. A volunteer will be considered a trainee until he/she has satisfactorily completed training. Volunteers who have completed their training should be evaluated annually using performance dimensions applicable to the duties and authorities granted to that volunteer.

#### **337.10.2 FITNESS FOR DUTY**

No volunteer shall report for work or be at work when his/her judgment or physical condition has been impaired due to illness or injury, or by the use of alcohol or drugs, whether legal or illegal.

Volunteers shall report to their supervisors any change in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

- (a) Driver's license
- (b) Medical condition

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- (c) Arrests
- (d) Criminal investigations
- (e) All law enforcement contacts

#### **337.11 INFORMATION ACCESS**

With appropriate security clearance, a volunteer may have access to or be in the vicinity of criminal histories, investigative files or information portals. Unless otherwise directed by a supervisor, the duties of the position or department policy, all such information shall be considered confidential. Only that information specifically identified and approved by authorized members 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.

A volunteer whose assignment requires the use of, or access to, confidential information will be required to have his/her fingerprints submitted to the Indiana State Police Electronic Fingerprinting Network (INKless) to obtain clearance. Volunteers working this type of assignment 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 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 newspapers or other periodicals, 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.

##### **337.11.1 RADIO USAGE**

Volunteers shall successfully complete state and federal database access training and radio procedures training prior to using police radios and shall comply with all related provisions. The volunteer coordinator should ensure that radio and database access training is provided for volunteers whenever necessary.

#### **337.12 EQUIPMENT**

Any property or 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.

##### **337.12.1 VEHICLE USE**

Any volunteer who operates any vehicle while acting in the capacity of a volunteer shall receive training in safe driving and defensive driving. The specific training and course of study shall be determined by the volunteer coordinator.

Volunteers assigned to duties that require the use of a vehicle must first complete:

- (a) A driving safety briefing and department-approved driver safety course.



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### *Volunteers*

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- (b) Verification that the volunteer possesses a valid driver's license.
- (c) Verification that the volunteer carries current vehicle insurance.

The coordinator should ensure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

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

Volunteers should not operate a marked law enforcement vehicle unless there is a prominently placed sign indicating that the vehicle is out of service.

Volunteers are not authorized to operate department vehicles under emergency conditions (lights and siren).

#### **337.13 DISCIPLINARY PROCEDURES/TERMINATION**

If a volunteer has a personnel complaint made against him/her or becomes involved in an internal investigation, the matter shall be investigated in compliance with the Personnel Complaints Policy.

Volunteers are considered at-will and may be removed from service at the discretion of the Chief of Police, with or without cause. Volunteers shall have no property interest in their continued appointments. However, if a volunteer is removed for alleged misconduct, the volunteer 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.

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

##### **337.13.1 EXIT INTERVIEWS**

The volunteer coordinator should conduct exit interviews, where possible. These interviews should ascertain why the volunteer is leaving the position and should solicit the volunteer's suggestions on improving the position. When appropriate, an exit interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

# Native American Graves Protection and Repatriation

## 338.1 PURPOSE AND SCOPE

This policy is intended ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

### 338.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

**Native American human remains** - The physical remains of the body of a person of Native American ancestry.

**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.

**Sacred objects** - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

**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.

## 338.2 POLICY

It is the policy of the South Bend 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.

## 338.3 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.

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### *Native American Graves Protection and Repatriation*

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Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land - Indiana Department of Natural Resources, Natural Resources Commission
- Tribal land - Responsible Indian tribal official

#### **338.4 EVIDENCE AND PROPERTY**

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.6).

#### **338.5 TREATMENT AND DISPOSITION OF HUMAN REMAINS**

This department shall cooperate with other government agencies, the Indiana Department of Natural Resources and the Indiana Division of Historic Preservation and Archeology to carry out any provisions of state law (312 I.A.C. 22-3-9).

## Off-Duty Law Enforcement Actions

### 339.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for officers of the South Bend Police Department with respect to taking law enforcement action while off-duty.

### 339.2 POLICY

It is the policy of the South Bend Police Department that officers generally should not initiate law enforcement action while off-duty. Officers are not expected to place themselves in unreasonable peril and should first consider reporting and monitoring the activity. However, any officer who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage or loss, may take reasonable action to minimize or stop the threat.

### 339.3 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. Officers should consider waiting for on-duty uniformed law enforcement personnel to arrive and gather as much accurate intelligence as possible, instead of immediately intervening. However, if an officer decides to intervene, he/she must evaluate whether the action is necessary or desirable, and should take into consideration:

- (a) The potential to be misidentified by other law enforcement personnel.
- (b) The potential to be misidentified by members of the public, who may be armed or who may take action.
- (c) The tactical disadvantage of being alone and the possibility of multiple or hidden suspects.
- (d) Limited off-duty firearms capabilities and ammunition.
- (e) The inability to communicate with responding law enforcement personnel.
- (f) The lack of equipment, such as body armor, handcuffs or control devices.
- (g) Unfamiliarity with the surroundings, including escape routes.
- (h) The potential for increased risk to bystanders by confronting a suspect or taking action.

#### 339.3.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. If possible, the dispatcher receiving the call should obtain a description of the off-duty officer from the caller and broadcast that information to responding officers.

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Whenever practicable, the officer should loudly and repeatedly identify him/herself as an officer with the South Bend Police Department until acknowledged. Official identification should also be displayed when possible.

#### **339.4 CONSIDERATIONS**

When encountering a non-uniformed officer in public, uniformed officer should wait for acknowledgement by the non-uniformed officer in case he/she is working in an undercover capacity.

##### **339.4.1 INCIDENTS OF PERSONAL INTEREST**

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

#### **339.5 REPORTING**

If prior notification to the appropriate local law enforcement agency is not reasonably possible before taking action, the officer shall notify the agency as soon as reasonably practicable. Officers shall cooperate fully with the agency having jurisdiction by providing statements or reports as requested or as appropriate.

If warranted, officers should notify a Shift Supervisor regarding law enforcement action taken while off-duty. If necessary, a supervisor may be sent to the location. The supervisor may request assistance from the Office of Professional Standards, if deemed appropriate.

The supervisor shall determine whether any administrative report should be completed by the involved officer.

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## Motorcycles

### 340.1 GENERAL

- (a) Only sworn-officers expressly authorized by the Chief of Police may operate police motorcycles.
- (b) Officers will possess the following qualifications and training before the Chief of Police will consider designating the officer a motorcycle operator:
  - (a) Possess a valid Indiana driver's license with a motorcycle endorsement
  - (b) At least two years experience riding motorcycles
  - (c) Successfully complete a minimum 16-hour motorcycle training course as approved by the Training Bureau.
- (c) When operating a police motorcycle, the operator will:
  - (a) Possess a valid Indiana driver's license with a motorcycle endorsement.
  - (b) Wear an approved department-issued uniform.
  - (c) Wear eye-wear, gloves and a department-approved D.O.T. helmet, along with the safety strap, at all times.
  - (d) Email the Preventative Maintenance Coordinator when checking out and in a motorcycle until a new tracking system for auxiliary vehicles is put into place.
- (d) Motorcycle operators may wear a personally purchased police jacket and boots with prior approval from the Chief of Police or Patrol Division Chief.
- (e) During normal driving conditions, operators will follow all posted traffic regulations and drive with due regard for all people.

### 340.2 MAINTENANCE

- (a) Operators will keep police motorcycles clean, and take the necessary steps to keep the motorcycle and all equipment operational.
- (b) Prior to operation, operators will inspect the motorcycle for serviceability. No officer will operate the motorcycle if it is determined unsafe to drive. If equipment is found damaged, then the inspecting officer will immediately report the damage with an officer's report through the chain of command to the Logistics Bureau Captain.

### 340.3 EQUIPMENT

- (a) The Department will install each police motorcycle with emergency lights and siren.
- (b) The Chief of Police must approve the removal of department equipment and vehicle parts. The approval also applies to the altering, adding or removal of decals, identification numbers or other ornamentation.

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### Motorcycles

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#### 340.4 EMERGENCY RESPONSE

- (a) If an officer is operating a police motorcycle in emergency mode to respond to a dispatched call, then the officer will notify Communications at the beginning of the run using the term "Signal 10." Supervisors may override an officer's decision to respond in emergency mode if, in their judgment, it is not warranted or cannot be done safely. Generally, officers operating a police motorcycle should not be dispatched to emergency response calls.
- (b) Officers driving in emergency mode must utilize both emergency lights and siren to warn the public of the officer's responding operation. Disable the siren only if the call requires a "silent" response. If running "silent," then the officer must exercise extra caution for motorists and pedestrians.
- (c) Driving in emergency mode is appropriate under the following circumstances:
  - (a) Call involves a person at risk for bodily injury
  - (b) Call involves a felony crime in progress
  - (c) Responding to an "officer needs assistance" call
  - (d) Officer has other sufficient information to justify the decision.
- (d) Indiana law permits officers operating a vehicle in emergency mode to:
  - 1. Exceed the speed limit but not to endanger life or property.
  - 2. Proceed through a stop traffic signal, stop sign, or cross traffic, or drive against the flow of traffic after slowing down enough for the safe operation.
  - 3. Disregard parking and traffic regulations as long as life and property are not endangered.
- (e) Even when operating a police motorcycle in emergency mode, the law holds officers legally responsible to drive with due regard for the safety of all people.

#### 340.5 LIMITATIONS OF USAGE

- (a) The Department forbids officers from using police motorcycles in vehicle pursuits.
- (b) Operators will not use the motorcycle when weather or road conditions would impair its safe operation.
- (c) Operators will not be authorized to assist or be involved in escorts of any kind unless the operator has been to the 80 hour motor officer course and in addition to the 80 hour motor officer course has training in escorts with the motor unit.

## Community Relations

### 341.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Bias Crimes Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Chaplains Policy.
- Patrol Policy.
- Suspicious Activity Reporting Policy.

### 341.2 POLICY

It is the policy of the South Bend Police Department to promote positive relationships between department members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

### 341.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

- (a) Make casual and consensual contacts with community members to promote positive community relationships (see the Contacts and Temporary Detentions Policy).
- (b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.
- (c) Work with community members to identify issues and solve problems related to community relations and public safety.
- (d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Officers carrying out foot patrols should notify an appropriate supervisor and Communication Center of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform Communication Center of their location and status during the foot patrol.

### 341.4 SURVEYS

The business analyst should arrange for a survey of community members and department members to be conducted at least annually to assess the condition of the relationship between the



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Department and the community. Survey questions should be designed to evaluate perceptions of the following:

- (a) Overall performance of the Department
- (b) Overall competence of department members
- (c) Attitude and behavior of department members
- (d) Level of community trust in the Department
- (e) Safety, security or other concerns

A summary of the compiled results of the survey should be provided to the Chief of Police.

#### **341.5 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS**

The Department should organize or assist with programs and activities that create opportunities for department members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

- (a) Department-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).
- (b) Police-community get-togethers (e.g., cookouts, meals, charity events).
- (c) Youth leadership and life skills mentoring.
- (d) School resource officer/Drug Abuse Resistance Education (D.A.R.E.®) programs.
- (e) Neighborhood Watch and crime prevention programs.

#### **341.6 INFORMATION SHARING**

The Department should work with Media Relations personnel to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in department operations, comments, feedback, positive events) between the Department and community members. Examples of information-sharing methods include:

- (a) Community meetings.
- (b) Social media (see the Department Use of Social Media Policy).
- (c) Department website postings.

Information should be regularly refreshed, to inform and engage community members continuously.

#### **341.7 LAW ENFORCEMENT OPERATIONS EDUCATION**

The Department should develop methods to educate community members on general law enforcement operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

- (a) Development and distribution of informational cards/flyers.
- (b) Department website postings.

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- (c) Presentations to driver education classes.
- (d) Instruction in schools.
- (e) Department ride-alongs (see the Ride-Along Policy).
- (f) Scenario/Simulation exercises with community member participation.
- (g) Youth internships at the Department.
- (h) Citizen academies.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make a complaint to the Department regarding alleged misconduct or inappropriate job performance by department members.

#### **341.8 SAFETY AND OTHER CONSIDERATIONS**

Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, should not allow them to be present in any location or situation that would jeopardize their safety.

Department members involved in community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

#### **341.9 COMMUNITY ADVISORY COMMITTEE**

The Chief of Police should establish a committee of volunteers consisting of community members, community leaders and other community stakeholders (e.g., representatives from schools, churches, businesses, social service organizations). The makeup of the committee should reflect the demographics of the community as much as practicable.

The committee should convene regularly to:

- (a) Provide a public forum for gathering information about public safety concerns in the community.
- (b) Work with the Department to develop strategies to solve public safety problems.
- (c) Generate plans for improving the relationship between the Department and the community.
- (d) Participate in community outreach to solicit input from community members, including youth from the community.

The Training Commander should arrange for initial and ongoing training for committee members on topics relevant to their responsibilities.

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The Chief of Police may include the committee in the evaluation and development of department policies and procedures and may ask them to review certain personnel complaints for the purpose of providing recommendations regarding supervisory, training or other issues as appropriate.

#### 341.9.1 LEGAL CONSIDERATIONS

The Chief of Police should work with the City Legal Department as appropriate to ensure the committee complies with any legal requirements such as public notices, records maintenance and any other associated obligations or procedures.

## Identity Theft

### 342.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of identity theft.

### 342.2 POLICY

It is the policy of the South Bend Police Department to effectively investigate cases of identity theft.

### 342.3 ACCEPTANCE OF REPORTS

A report shall be taken any time a person living within the jurisdiction of the South Bend Police Department reports that he/she has been a victim of identity theft. This includes (I.C. § 35-40-14-3):

- (a) Taking a report even if the location of the crime is outside the jurisdiction of this department or has not been determined.
- (b) Providing the victim with a summary of the police report.

A report should also be taken if a person living outside the department jurisdiction reports an identity theft that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in South Bend to facilitate the crime).

### 342.4 FOLLOW-UP INVESTIGATION

A member investigating a case of identity theft should ensure that each case is referred to the appropriate agency if it is determined that this department should not be the investigating agency (e.g., an identity theft ring working from out of state). The victim should be advised that the case is being transferred to the agency of jurisdiction for investigation. The investigating member should also ensure that appropriate entries are made into related databases that have been authorized for department use.

# Facial Recognition Technology

## 343.1 PURPOSE AND SCOPE

It is the purpose of this policy to provide South Bend Police Department (SBPD) personnel with guidelines applicable to the implementation of facial recognition technology (FRT). This FRT policy seeks to balance the public safety benefits of this technology with individual privacy. FRT involves the ability to examine and compare distinguishing characteristics of a human face through the use of biometric algorithms contained with a software application. This technology can be a valuable investigative tool to detect and prevent criminal activity, reduce an imminent threat to health and safety, and help in identification of person unable to identify themselves or deceased persons. The Department has established a Facial Recognition program to support the investigative efforts of law enforcement and public safety agencies.

### 343.1.1 DEFINITIONS

**Facial Recognition Technology (FRT):** A biometric software application capable of uniquely identifying or verifying a person by comparing and analyzing patterns based on the person's facial contours.

**Investigative Lead:** Any information which could potentially aid in the successful resolution of an investigation, but does not imply positive identification of a subject or that the subject is guilty of a criminal act.

**Part 1 Violent Crimes:** For the purpose of this directive, Part 1 Violent Crimes are defined as robbery, sexual assault, aggravated assault, or murder.

**Probe Image:** Any face image used by face recognition software for comparison with the face images contained within a face image repository. A front-facing image of an individual lawfully obtained pursuant to an authorized criminal investigation. Examples of probe images include: # Face images captured from closed circuit TV cameras # Face images captured from an ATM camera # Face images provided by a victim or witness of a crime # Face images gained from evidence (fraudulent bank card or photograph ID) # Face sketches (for example, police artist drawings)

**Public Domain:** The state of belonging or being available to the public, and therefore not subject to copyright. The term "public domain" refers to creative materials that are not protected by intellectual property laws such as copyright, trademark, or patent laws. The public owns these works, not an individual author or artist. Anyone can use a public domain work without obtaining permission, but no one can ever own it.

## 343.2 POLICY

The SBPD will respect the public's right to privacy by using only photographic and/or video sources from the public domain in furtherance of the Department's use of facial recognition technology for legitimate law enforcement purposes and any results from this technology shall be considered

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advisory in nature as an investigative lead only and does not establish probable cause without further investigation.

Facial recognition technology shall only be used when there is reasonable suspicion that such use will provide information relevant to an active or ongoing Part 1 Violent Crime investigation.

Facial recognition technology utilizes algorithms to identify possible match candidates to an image. The Department only uses facial recognition technology which has been evaluated by the National Institute of Standards and Technology for matching efficiency and accuracy.

#### 343.2.1

This policy assists SBPD and its personnel in:

- Increasing public safety and improving state, local, tribal, territorial, and national security
- Minimizing the threat and risk of injury to specific individuals.
- Minimizing the threat and risk of physical injury or financial liability to law enforcement and others responsible for public protection, safety, or health.
- Minimizing the potential risks to individual privacy, civil rights, civil liberties, and other legally protected interests.
- Protecting the integrity of criminal investigatory, criminal intelligence, and justice system processes and information.
- Minimizing the threat and risk of damage to real or personal property.
- Fostering trust in the government by strengthening transparency, oversight, and accountability.
- Making the most effective use of public resources allocated to public safety entities.

#### 343.2.2

This policy was established to ensure that all images are lawfully obtained, including face recognition probe images obtained or received, accessed, used, disseminated, retained, and purged by SBPD. This policy applies to:

- Images contained in a known identity face image repository and its related identifying information.
- The face image searching process.
- Any results from face recognition searches that may be accessed, searched, used, evaluated, retained, disseminated, and purged by SBPD.
- Lawfully obtained probe images of unknown suspects that have been added to unsolved image files, pursuant to authorized criminal investigations.

### **343.3 AUTHORIZED USES**

Authorized uses of facial recognition technology include:

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- A reasonable suspicion that an individual has committed a criminal offense or is involved in or planning criminal conduct or activity that presents a threat to any individual, the community, or the nation and that the information is relevant to the criminal conduct or activity
- An active or ongoing criminal investigation
- To mitigate an imminent threat to health and safety through short-term situational awareness surveillance or other means
- To assist in the identification of a person who lacks capacity or is otherwise unable to identify themselves (such as an incapacitated, deceased, or otherwise at-risk person.)
- To assist in the identification of potential witnesses and/or victims of violent crimes
- To support law enforcement in critical incident responses

### **343.4 PROHIBITED USES**

The misuse of FRT will subject employees to administrative disciplinary action up to termination and potentially criminal penalties.

#### **343.4.1 SURVEILLANCE**

Members shall not use facial recognition to surveil the public through any camera or video device. The only exception would be in the event of an imminent threat to public safety including conditions that may result in serious bodily injury or death to an individual or group of individuals (e.g. abduction, credible threat notification).

#### **343.4.2 PROTECTED CLASSIFICATIONS**

No person will be the subject of police action solely because of actual or perceived characteristics including, but not limited to race, color, religion, sex, age, national origin or ancestry, disability, gender identity or sexual orientation

#### **343.4.3 HARASSMENT**

Members shall not use facial recognition to harass and/or intimidate any individual or group.

#### **343.4.4 LIVE VIDEO**

SBPD does not connect the face recognition system to any interface that performs live video surveillance, including surveillance cameras, drone footage, and body-worn cameras. The face recognition system will not be configured to conduct face recognition analysis on live video.

#### **343.4.5 VIOLATIONS OF THIS POLICY**

The Office of Professional Standards will receive reports regarding alleged errors and violations of the provisions of this FRT policy or applicable state law and coordinate complaint resolution under the SBPD's Personnel Complaints [Policy 1007](#).

All face recognition information held by SBPD that is subject of a complaint will be reviewed and confirmed or corrected/purged if determined to be inaccurate or incomplete, to include incorrectly merged or out-of-date information.

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#### **343.5 RESPONSIBILITIES**

The Operations Division Chief (ODC) will monitor the Department's use of facial recognition technology.

The Facial Recognition program will be under the direct command of the ODC. The ODC will ensure user compliance with this policy, applicable laws, regulations, and standards. In addition to the Command Staff, the Detective Bureau Captain (DBC), the Detective Bureau Lieutenant (DBL), and the Strategic Focus Unit Lieutenant (SFL) shall be the only employees authorized to use the Department approved facial recognition technology. Use of Department approved facial recognition technology by other sworn employees is strictly prohibited. In the event of a public safety emergency, other users can be designated by the Chief of Police or a Division Chief.

##### **343.5.1 USERS**

- A. All South Bend Police Department personnel, participating agency personnel, and authorized individuals working in direct support of SBPD personnel, personnel providing information technology services to SBPD, private contractors, and other authorized users will comply with SBPD's FRT policy and will be required to complete the training referenced in 343.5.1(D). In addition, authorized personnel tasked with processing FRT requests and submissions must also complete the specialized training to include: use of image enhancement, appropriate procedures and how to assess image quality and suitability for face recognition search, proper procedures and evaluation criteria for one-to-many and one-to-one face image comparisons, and candidate image verification process.
- B. An outside agency, or investigators from an outside agency, may request face recognition searches to assist with investigations only if the outside agency is a law enforcement agency that is making the request based on a valid law enforcement purpose that falls within the authorized uses listed in 343.3 and the requestor provides a case numbers and contact information (requestor's name, requestor's agency, address, and phone numbers) and acknowledges an agreement with the following statement:  
  
*"The result of a face recognition search is provided by the SBPD only as an investigative lead and IS NOT TO BE CONSIDERED A POSITIVE IDENTIFICATION OF ANY SUBJECT. Any possible connection or involvement or any subject to the investigation must be determined through further investigation and investigative resources."*
- C. FRT users shall be appointed by the OD All FRT users shall have all training offered and provided by the authorized vendor. Training is to include facial recognition technology, image comparison principles, and the proper operation of the technology and associated equipment.
- D. SBPD's FRT policy training program will cover both:
  1. Elements of the operation of the FRT program, including:
    - i. Purpose and provisions of FRT policy



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- ii. Policies and procedures that mitigate the risk of profiling
  - iii. How to implement FRT policy into day-to-day work
  - iv. Security awareness training
  - v. How to identify, report, and respond to suspected or confirmed breach
  - vi. Cultural awareness training
2. Elements related to the results generated
- (a) Origination and participating agency responsibilities and obligations
  - (b) Protections on the use of the technology and the information collected or received including constitutional protections and applicable state, local, and federal laws
  - (c) FRT functions, limitations, and interpretation of results
  - (d) Mechanisms for reporting violations of the policy
  - (e) The nature and possible penalties for FRT policy violations

#### **343.5.2 USE OF INFORMATION**

Any information received because of the use of facial recognition technology shall not be used as a basis for probable cause and shall not be used as evidence when obtaining a search or arrest warrant. Information is considered advisory in nature as an investigative lead only. Face recognition search results are not considered positive identification of a subject and do not, on their own establish probable cause, without further investigation, to obtain an arrest warrant or search warrant. The information shall only be used as a tool in the ongoing investigative process or official business of the Department.

#### **343.6 ACQUIRING AND RECEIVING FACE RECOGNITION INFORMATION**

The SBPD is authorized to access and perform face recognition searches utilizing the following external repositories: booking photos ( I.C. § 5-14-3), driver's license photographs (I.C. § 9-14-13-2), state identification card photographs (I.C. § 9-14-13-2), Sex Offender Registry photos (I.C. § 11-8-8-7), probation photos ( I.C. § 5-14-3, and 5-2-4), and others as authorized by law.

#### **343.7 DATA QUALITY ASSURANCE**

- A. Original probe images will not be altered, changed, or modified in order to protect the integrity of the images. Any enhancements made to a probe image will be made on a copy, saved as a separate image, and documented to indicate what enhancements were made, including the date and time of change.
- B. SBPD examiners will analyze, review, and evaluate the quality and suitability of probe images, to include factors such as the angle of face image, level of details, illumination, size of the face image, and other factors affecting a probe image prior to performing a face recognition search

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#### **343.8 REQUEST AND APPROVAL**

Any sworn employee working on any open investigation(s) may submit a probe image and request a face recognition examination as an available investigative tool.

##### **343.8.1 REQUEST**

The investigator/officer will complete the SBPD "Facial Recognition Request Form," and submit the form, along with a photograph of the individual in question, to their immediate supervisor for review. The requesting investigator/officer's immediate supervisor shall review the request and ensure the following:

1. The request is pertaining to an open Part 1 violent criminal investigation assigned by the requesting Officer/Investigator;
2. The SBPD case number (Other agency case number in case of an Inter-agency Task Force request) is correct and pertains to the specific criminal investigation; and
3. The submitted photo was obtained from the public domain.

##### **343.8.2 APPROVAL**

Upon approval, the reviewing supervisor shall forward the request to the DBC, DBL, or SFL for review. The DBC, DBL, or SFL will review the request to determine if facial recognition technology is the proper or additional tool for the investigation. If the request is denied, the DBC, DBL, SFL will contact the requesting investigator/officer and explain the reasons for the denial. If the request is approved, the DBC, DBL, or SFL shall conduct a facial recognition examination.

#### **343.9 USE OF FACIAL RECOGNITION TECHNOLOGY**

##### **343.9.1 EXAMINATION**

The assigned FRT user shall investigate the case using the photo and information provided, using the Department approved facial recognition technology and other approved investigative tools. When the FRT user has completed their investigation, the findings shall be sent to the requesting investigator/officer via email. Any findings will include the following statement:

*"The result of a facial recognition search is provided only as an investigative lead and is not to be considered a positive identification of any subject. Any possible connection or involvement of any subject to the investigation must be determined through further investigation and investigative resources."*

##### **343.9.2 REPORTING**

FRT users shall log all requests made as well as all cases investigated using facial recognition technology and report these details to the ODC monthly. The ODC shall report on the Department's use of facial recognition technology at least annually to the Chief of Police. The Chief shall then report this to the Board of Public Safety.

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#### **343.10 DISCLOSURE REQUESTS**

FRT information will be disclosed to the public in accordance with (state APRA law.) Once a face recognition image is downloaded by SBPD personnel and incorporated into a criminal intelligence record or an investigative case file, the face recognition information is then considered criminal investigative information and the laws, regulations, and policies applicable to that type of information or criminal intelligence govern its use.

## Chapter 4 - Patrol Operations

## Patrol

### 400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function and address intraorganizational cooperation and information sharing.

### 400.2 POLICY

The South Bend Police Department provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and department members.

### 400.3 FUNCTION

Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of South Bend. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

- (a) Responding to emergency calls for service.
- (b) Apprehending criminal offenders.
- (c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.
- (d) 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.
- (e) Responding to reports of both criminal and non-criminal acts.
- (f) Responding to routine calls for service, such as public assistance or public safety (e.g., an emergency motor vehicle lock-out).
- (g) Traffic direction and control.
- (h) Crime prevention activities, such as residential inspections, business inspections and community presentations.
- (i) Home watches checks.
- (j) Community involved/input policing and problem-solving activities including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way, including quality of life issues.

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- (k) The application of resources to specific problems or situations within the community that may be improved or resolved by community involved/input policing and problem-solving strategies.

#### **400.4 INFORMATION SHARING**

To the extent feasible, all information relevant to the mission of the Department should be shared (shift briefs, crime portal, etc.) among all divisions and specialized units on a timely basis. Members should be provided with opportunities on a regular basis to share information during the daily roll calls and to attend roll calls of other divisions or specialized units.

Additionally, information should be shared with outside agencies and the public in conformance with department policies and applicable laws. Members are encouraged to share information with other units and divisions.

#### **400.5 CROWDS, EVENTS AND GATHERINGS**

Officers may encounter gatherings of people, including, but not limited to, civil demonstrations, public displays, parades, sporting events and civic, social and business events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement shall carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action.

Generally, officers should consider seeking compliance through advisements and warnings for minor violations, and should reserve greater enforcement options for more serious violations or when voluntary compliance with the law is not achieved.

Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety concerns.

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## Bias-Free Policing

### 401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the South Bend 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 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 South Bend 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 equitable law enforcement services based on the needs of the people we encounter 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 to establish reasonable suspicion or probable cause.

### 401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform their duties in a fair and objective manner and shall promptly report any suspected or known instances of bias-based policing to a supervisor. Members shall, when reasonable to do so, intervene to prevent any bias-based actions by another member.

#### 401.4.1 REASON FOR CONTACT

Officers contacting any person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

# South Bend Police Department

## Policy Manual

### *Bias-Free Policing*

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To the extent that written documentation would otherwise be completed (e.g., arrest report, preliminary report (Code 2)), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods (e.g., Code 1, field interview), nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

#### **401.5 SUPERVISOR RESPONSIBILITIES**

Supervisors shall monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors shall discuss any issues with the involved officer and their supervisor in a timely manner.
  - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors shall periodically review Mobile Audio/Video (MAV) recordings, portable audio/video recordings, Mobile Data Terminal (MDT) data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.
  - 1. Supervisors should document these periodic reviews.
  - 2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors shall 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 ADMINISTRATION**

The command staff along with IA/OPS shall review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police. The annual report shall not contain any identifying information about any specific complaint, member of the public or officer. It should be reviewed by command staff and the Chief of Police to identify any further changes in training or operations that should be made to improve service.

Supervisors shall review department information and the annual report and discuss the results with those they are assigned to supervise.



## Roll Call

### 402.1 PURPOSE AND SCOPE

This policy discusses the activity of roll call and includes the tasks that should be accomplished during this short period.

### 402.2 POLICY

Roll call is intended to facilitate the accurate flow of information in order to enhance coordination of activities, improve performance and safety, and outline the expected actions of members.

### 402.3 ROLL CALL

All divisions and specialized units will conduct regular roll call to discuss, disseminate and exchange information among department members, work groups and other organizations. A supervisor generally will conduct roll call. However, the supervisor may delegate this responsibility to a subordinate member in his/her absence or for training purposes.

Roll call should include, but is not limited to:

- (a) Providing members with information regarding daily activities, with particular attention given to changes in the status of the following:
  - 1. Wanted persons
  - 2. Crime patterns
  - 3. Suspect descriptions
  - 4. Intelligence reports and photographs
  - 5. Community issues affecting law enforcement
  - 6. Major investigations
- (b) Notifying members of changes in schedules and assignments.
- (c) Reviewing recent incidents for situational awareness and training purposes.
- (d) Providing training on a variety of subjects.
- (e) Periodic personnel inspections.

Supervisors should also ensure that all members are informed about General Orders and any recent policy changes.

#### 402.3.1 RETENTION OF ROLL CALL TRAINING RECORDS

Roll call training materials and a curriculum or summary shall be forwarded to the Training Division for inclusion in training records, as appropriate.

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### *Roll Call*

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#### **402.4 PREPARATION OF MATERIALS**

The member conducting roll call is responsible for preparation of the materials necessary for a constructive roll call.

#### **402.5 TRAINING**

Roll call training should incorporate short segments on a variety of subjects or topics and may include:

- (a) Review and discussion of new or updated policies.
- (b) Presentation and discussion of the proper application of existing policy to routine daily activities.
- (c) Presentation and discussion of the proper application of existing policy to unusual activities.
- (d) Review of recent incidents for training purposes.

Roll call training materials and a curriculum or summary shall be forwarded to the Training Division for inclusion in training records, as appropriate.

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## 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 South Bend Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

### 403.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, it shall be maintained until the officer is properly relieved by a supervisor or other designated person.

### 403.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

# South Bend Police Department

## Policy Manual

### *Crime and Disaster Scene Integrity*

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#### **403.5 SEARCHES**

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

##### **403.5.1 CONSENT**

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

#### **403.6 EXECUTION OF HEALTH ORDERS**

Any officer of this department is authorized to enforce lawful orders of the local health officer that have been issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (I.C. § 16-41-9-1.5).

#### **403.7 ILLEGAL MANUFACTURE OF A CONTROLLED SUBSTANCE REPORTING**

officer

- (a)
- (b)
- (c)

Officers

Any law enforcement officer that terminates the use of a property (e.g. a dwelling, building, motor vehicle, trailer, or watercraft (I.C. §5-12-15-3)) shall report the the existence and location of the property to:

1. The state police department;
2. The local fire department that serves the area in which the property is located;
3. The local health department in whose jurisdiction the property is located; and
4. The Indiana criminal justice institute;

on a form and in the manner prescribed by guidelines outlined in I.C. § 5-2-15-3.

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## Special Weapons and Tactics Team

### 404.1 PURPOSE AND SCOPE

This policy provides guidelines for the specialized support of the Special Weapons and Tactics Team (SWAT) in handling critical operations and high-risk warrant service where special tactical deployment methods are beyond the capacity of officers.

#### 404.1.1 DEFINITIONS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

### 404.2 POLICY

It shall be the policy of the South Bend Police Department to maintain a SWAT tactical team to provide the equipment, manpower and training necessary to maintain such teams.

### 404.3 CAPABILITIES

This department acknowledges that training needs may vary based on the experience level of team members, team administrators and potential incident commanders. Therefore, with the preservation of innocent human life being paramount, nothing in this policy shall prohibit individual team members from responding to a situation that exceeds their training level due to the exigency of the circumstances.

### 404.4 MANAGEMENT AND SUPERVISION

Under the direction of the Chief of Police, through the Patrol Division Chief, the SWAT shall be managed by the appointed SWAT Commander. The SWAT Commander shall be selected by the Chief of Police.

#### 404.4.1 TEAM SUPERVISORS

The tactical team will be under the direction of designated team leaders, who shall be selected by the SWAT Commander.

The primary responsibility of the team leaders is to oversee the operation of their teams, which includes deployment, training and other duties as directed by the SWAT Commander or authorized designee.

### 404.5 EQUIPMENT INSPECTIONS

The SWAT Commander shall appoint a team supervisor to perform operational readiness inspections of all SWAT equipment at least annually. The inspections will include personal

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### *Special Weapons and Tactics Team*

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equipment issued to members, operational equipment maintained in the SWAT facility and equipment maintained or used in SWAT vehicles.

#### **404.6 OPERATIONAL GUIDELINES**

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*Special Weapons and Tactics Team*

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**404.7 TACTICAL TEAM ADMINISTRATIVE GUIDELINES**

The tactical team was established to provide a skilled and trained team for deployment to events that require specialized tactics, in situations where suspects have taken hostages and/or barricaded themselves, and in prolonged or predictable situations where persons who are armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the tactical team.

**404.7.1 SELECTION OF TACTICAL MEMBERS**

Officers interested in a posted SWAT position who are off probation shall submit an officer's report through the chain of command, a copy of which will be forwarded to the SWAT Commander. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be at the discretion of the SWAT Commander. The testing process will consist of an oral interview, physical agility test, firearm qualification and team evaluation.

- (a) Oral interview: The oral interview will be conducted by individuals selected by the SWAT Commander. Applicants will be evaluated by certain criteria, which includes:
  - 1. Recognized competence and ability, as evidenced by performance.
  - 2. Demonstrated good judgment and understanding of the critical role of a tactical team member.
  - 3. Special skills, training or appropriate education as it pertains to this assignment.

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### *Special Weapons and Tactics Team*

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4. Commitment to SWAT, realizing that the additional assignment may necessitate unusual working hours, conditions and training obligations.
- (b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as they relate to performance of tactical team-related duties. The test and scoring procedure will be established by the SWAT Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position.
- (c) Firearm testing: Candidates will be invited to shoot the SWAT basic drill for the handgun. A minimum qualifying score established by the Head Firearms Instructor must be attained to qualify.
- (d) Team evaluation: Current team members will evaluate each candidate on field tactical skills, teamwork, ability to work under stress, communication skills, judgment and any special skills that could benefit the team.
- (e) The SWAT Commander shall submit a list of successful applicants to Chief of Police for final selection.

#### 404.7.2 TACTICAL TRAINING

Training shall be coordinated by the SWAT Commander. The SWAT Commander may conduct monthly training exercises that include a review and critique of members and their performance in the exercises, in addition to specialized training. Training shall consist of the following:

- (a) Each tactical team member shall perform a physical fitness test annually. A passing score must be attained by each team member.
- (b) Any tactical team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest. Within 90 days of the previous physical fitness test date, the member required to qualify shall report to a team leader and complete the entire physical fitness test. Failure to qualify after a second attempt shall result in dismissal from the team.
- (c) Those who are on vacation, are ill or are on light-duty status with a medical professional's note of approval on the test date shall be responsible for reporting to a team leader and taking the test within 90 days of their return to regular duty. Any member who fails to arrange for and perform the physical fitness test within the 90-day period shall be considered as having failed to attain a qualifying score for that test period.
- (d) Each tactical team member shall complete the annual handgun qualification and must achieve a master score. The qualification course shall consist of the SWAT basic drill for the handgun. Failure to qualify will require the team member to seek remedial training from a Head Firearms Instructor who has been approved by the SWAT Commander. Team members who fail to qualify after two attempts shall be



## *Special Weapons and Tactics Team*

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dismissed from the team. Team members who fail to qualify must retest within 90 days. Failure to qualify within 90 days, with or without remedial training, may result in dismissal from the team.

- (e) Each tactical team member shall complete the required tactical training for any specialty weapon issued to, or used by, the team member during tactical team operations. Failure to complete required training may result in dismissal from the team. Any member of the tactical team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

### **404.8 UNIFORMS AND EQUIPMENT**

SWAT specialized teams from this department shall wear uniforms that clearly identify them as law enforcement members. It is recognized that certain tactical conditions may require covert movement. Attire may be selected that is appropriate to the specific mission.

#### 404.8.1 EQUIPMENT

SWAT specialized teams from this department should be adequately equipped to meet the specific missions identified by the Department.

#### 404.8.2 FIREARMS

Weapons and equipment used by the SWAT specialized teams and any supporting resources should be department-issued or approved.

### **404.9 TRAINING**

#### 404.9.1 TRAINING SAFETY

Use of designated safety officers for all tactical training.

#### 404.9.2 INITIAL TRAINING

Tactical team members and team leaders shall not be deployed until successful completion of a basic SWAT course or its equivalent.

- (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.
- (b) Untrained members may be used in a support or training capacity.

#### 404.9.3 SCENARIO-BASED TRAINING

SWAT members shall participate in mandatory training consisting of a minimum of two, four-hour training courses each month, unless excused by the SWAT commander. This training may include scenario-based training that simulates the critical field operations environment. Such training is an established method of improving performance during an actual deployment.

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Policy Manual

## *Special Weapons and Tactics Team*

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### 404.9.4 TRAINING DOCUMENTATION

SWAT team training shall be documented by the SWAT Commander or authorized designee. SWAT training records shall be forwarded to the Training Division and Division Chief. Such documentation shall be maintained in each member's training file. A separate department SWAT training file shall be maintained with documentation and records of all team training.

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## Negotiation Team

### 405.1 PURPOSE AND SCOPE

This policy provides guidelines for the specialized support of the Negotiation Team in handling critical operations, where special negotiation methods are beyond the capacity of officers.

#### 405.1.1 DEFINITIONS

**Negotiation Team** - Designated officers, who are specifically trained and equipped to provide skilled verbal communications to de-escalate or effect surrender in situations where suspects have taken hostages or barricaded themselves or who are suicidal, or are in mental crisis.

### 405.2 POLICY

It shall be the policy of the South Bend Police Department to maintain a Negotiation Team, and to provide the equipment, personnel and training necessary to maintain such a team.

### 405.3 CAPABILITIES

This department acknowledges that training needs may vary based on the experience level of team members, team administrators and potential incident commanders. Therefore, with the preservation of innocent human life being paramount, nothing in this policy shall prohibit individual team members from responding to a situation that exceeds their training level due to the exigency of the circumstances.

### 405.4 MANAGEMENT AND SUPERVISION

Under the direction of the Chief of Police, through the Patrol Division Chief, the Hostage Negotiation Team (HNT) shall be managed by the appointed HNT Leader. The HNT Leader shall be selected by the Chief of Police.

#### 405.4.1 EQUIPMENT INSPECTIONS

The HNT Leader shall perform operational readiness inspections of all Negotiation Team equipment at least annually. The inspections will include personal equipment issued to members of the Negotiation Team.

### 405.5 OPERATIONAL GUIDELINES

[REDACTED]

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## Policy Manual

### *Negotiation Team*

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#### **405.8 NEGOTIATION TEAM ADMINISTRATIVE GUIDELINES**

The Negotiation Team has been established to provide skilled verbal communicators who will attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages or barricaded themselves or have suicidal tendencies.

The following procedures serve as directives for the administrative operation of the negotiation team.

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### *Negotiation Team*

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#### **405.9 SELECTION OF NEGOTIATION TEAM MEMBERS**

Interested department members who are off probation shall submit a change of assignment request to their appropriate Division Chiefs. A copy will be forwarded to the HNT Leader and the Negotiation Team supervisor. Qualified applicants will then be invited to an oral interview. The oral interview board will consist of the HNT Leader and two other department members. Interested members shall be evaluated by certain criteria, which includes:

- (a) Recognized competence and ability as evidenced by performance.
- (b) Demonstrated good judgment and understanding of the critical role of a negotiator and the negotiation process.
- (c) Effective communication skills.
- (d) Special skills, training or appropriate education as it pertains to the assignment.
- (e) Commitment to the HNT, realizing that the assignment may necessitate unusual working hours, conditions and training obligations.

The oral interview board shall submit a list of successful applicants to command staff for final selection. Applicants will also be required to participate in a scenario-based testing process.

#### **405.10 NEGOTIATION TRAINING**

Training shall be coordinated by the HNT Leader. The HNT Leader may conduct quarterly training exercises that include a review and critique of members and their performance in the exercises, in addition to specialized training.

A minimum of two training days per year will be required to provide the opportunity for role playing and situational training necessary to maintain proper skills. This will be coordinated by the HNT Leader.

#### **405.11 NEGOTIATION TEAM EVALUATION**

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 Negotiation Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

#### **405.12 EQUIPMENT**

Negotiation Teams from this department should be adequately equipped to meet the specific missions identified by the Department.

##### **405.12.1 FIREARMS**

Weapons and equipment used by the Negotiation Team and any supporting resources should be department-issued or approved.

## *Negotiation Team*

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### **405.13 INITIAL TRAINING**

HNT members and leader should not be deployed until successful completion of a basic HNT course or its equivalent.

- (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.
- (b) Untrained members may be used in a support or training capacity.

#### **405.13.1 SCENARIO-BASED TRAINING**

HNT members shall participate in mandatory training consisting of a minimum of two, four-hour training sessions annually, unless excused by the HNT Leader. This training may include scenario-based training that simulates the critical field operations environment. Such training is an established method of improving performance during an actual deployment.

#### **405.13.2 TRAINING DOCUMENTATION**

HNT training shall be documented by the HNT Leader or authorized designee. HNT training records shall be forwarded to the Training Division. Such documentation shall be maintained in each member's training file. A separate department HNT training file shall be maintained with documentation and records of all HNT training.

## Ride-Alongs

### 406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for a ride-along with members of the South Bend Police Department. This policy provides the requirements, approval process, hours of operation and member responsibilities for ride-alongs. The Chief of Police or any division chief must approve and sign the Request for Police Ride-Along form before an applicant may participate in the Ride-Along Program.

### 406.2 POLICY

Ride-along opportunities will be provided to the members of the public, City employees and members of this department to observe and experience, first-hand, various functions of the South Bend Police Department. The term “ride-along” includes riding as a passenger with an officer on patrol or observing the work day of members engaged in other functions within the Department.

### 406.3 ELIGIBILITY

A ride-along is available to the following:

- Participants in the Department Cadet Program
- College/university student working on a class project related to the experience
- Criminal Justice intern fulfilling school requirements
- Chamber of Commerce Leadership Training Program
- News media for related news projects
- Community leaders and/or City officials for special projects
- South Bend Police civilian employees for work related needs
- South Bend Police applicants/candidates
- Special circumstances as approved by the Chief of Police
- Sworn-officers from other jurisdictions will follow the same protocol as civilians

Efforts will be made to accommodate all interested persons. However, any applicant may be disqualified without cause from participating.

Factors that may be considered in disqualifying an applicant include, but are not limited to, the following:

- Being under 18 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against this department or the City

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### *Ride-Alongs*

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- Denial by any supervisor

#### **406.4 AVAILABILITY**

A ride-along or job observation, for a maximum of four hours, is available most days of the week, from 10:00 a.m. to 2:00 a.m. Exceptions to this schedule may be made as approved by the Chief of Police or Shift Supervisor.

#### **406.5 REQUESTS TO PARTICIPATE**

Generally, the Request for Police Ride-Along form will be maintained with the Chief's Office. Ride-alongs will be scheduled by the Shift Supervisor. The applicant will complete and sign a ride-along or job observation waiver form at least seven days in advance. Special circumstances may be approved by the Chief and/or Division Chiefs. Information requested will include a valid state-issued identification card or driver's license number, birthdate, address and telephone number.

Department police cadets shall arrange a ride-along through the Cadet Program Coordinator.

The Shift Supervisor will schedule a date, based on availability, generally one week after the date of application. If approved, a copy of the waiver form will be forwarded to the appropriate division as soon as possible for scheduling considerations.

If the request is denied, a representative of this department will advise the applicant of the denial.

#### **406.6 PROCEDURES**

Once approved, ride-along applicants will be allowed to participate no more than once every six months, unless approved by the Chief of Police or Division Chiefs. An exception may apply to the following law enforcement-involved participants:

- Cadets and Junior Cadets
- Volunteers
- Chaplains
- South Bend Police Department applicants
- Any others with approval of the Shift Supervisor

An effort will be made to ensure that no more than one member of the public will participate in a ride-along or job observation during any given time period. Normally, no more than one ride-along participant will be allowed in department vehicles at a given time.

Ride-along requirements for department Cadets and Junior Cadets are covered in the Cadet Policy.

##### **406.6.1 OFF-DUTY PARTICIPATION**

Off-duty members of this department or any other law enforcement agency, and employees of the City, will not be permitted to participate in a ride-along with on-duty members of this department without the express consent of the Shift Supervisor.



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### *Ride-Alongs*

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In the event that such participation is permitted, the off-duty department member, other law enforcement agency personnel or City employee shall not:

- (a) Be considered on-duty.
- (b) Represent him/herself as a member of this department or any other law enforcement agency.
- (c) Participate in any law enforcement activity except as emergency circumstances may require.

#### 406.6.2 CRIMINAL HISTORY CHECK

All ride-along applicants are subject to a criminal history check.

#### 406.6.3 SUITABLE ATTIRE

Any person approved to participate in a ride-along is required to be suitably dressed in a collared shirt, blouse or jacket, slacks and shoes. Sandals, t-shirts, tank tops, shorts and ripped or torn pants are not permitted. Hats and ball caps will not be worn without the express consent of the Shift Supervisor. The Shift Supervisor or a supervisor may refuse a ride-along to anyone who is not dressed appropriately.

#### **406.7 MEMBER RESPONSIBILITIES**

The assigned department member shall consider the safety of the ride-along or job observation participant at all times. The member shall maintain control over the participant and shall instruct the individual about the conditions that necessarily limit his/her participation. Instructions should include:

- (a) The participant will follow the directions of the department member.
- (b) The participant will not become involved in any investigation, handling of evidence, discussions with victims or suspects, reading an individual's criminal history or other protected information, or handling any police department equipment.
- (c) Participation may be terminated at any time by the member if the participant interferes with the performance of the member's duties.
  - 1. If the participant is on a ride-along, the member may return the participant to the point the ride originated.
- (d) Participants may be allowed to continue a ride-along during the transportation process, provided it does not jeopardize their safety.
- (e) Members will not allow participants to be present in any location or situation that would jeopardize the participant's safety or cause undue stress or embarrassment to a victim or any other member of the public.

# South Bend Police Department

## Policy Manual

### *Ride-Alongs*

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- (f) Participants who are not law enforcement officers shall not be permitted to accompany the department member into a private residence without the express consent of the resident or other authorized person.

The member assigned to provide a ride-along shall advise the dispatcher that a ride-along participant is present in the vehicle before going into service. An officer with a ride-along participant should use sound discretion when encountering a potentially dangerous situation, such as a high-speed pursuit and, if feasible, let the participant out of the vehicle in a well-lit public place. The dispatcher will be advised of the situation and as soon as practicable have another department member respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride, or is otherwise inappropriate, should be immediately reported to the Shift Supervisor. The member should enter comments regarding the reasons for terminating the ride-along on the waiver form.

Upon completion of the ride-along, the member shall return the waiver form to the Shift Supervisor.

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# Hazardous Material Response

## 407.1 PURPOSE AND SCOPE

Exposure to hazardous materials presents potential harm to department members and the public. This policy outlines the responsibilities of members who respond to these events and the factors that should be considered while on-scene, including the reporting of exposures and supervisor responsibilities.

### 407.1.1 DEFINITIONS

Definitions related to this policy include:

**Hazardous material** - A substance which, by its nature, containment or reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

## 407.2 POLICY

It is the policy of the South Bend Police Department to respond to hazardous material emergencies with due regard for the safety of the public and those members responding to such incidents.

## 407.3 HAZARDOUS MATERIAL RESPONSE

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill or fire. When members come into contact with a suspected hazardous material, they should take certain steps to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond and mitigate most incidents involving hazardous materials and biohazards.

Responders should not perform tasks or use equipment without proper training. A responder entering the area may require decontamination before he/she is allowed to leave the scene, and should be evaluated by appropriate technicians and emergency medical services personnel for signs of exposure.

## 407.4 CONSIDERATIONS

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Make the initial assessment of a potentially hazardous material from a safe distance.
- (b) Notify Communication Center, appropriate supervisors, the appropriate fire department and hazardous response units.
  1. Provide weather conditions, wind direction, a suggested safe approach route and any other information pertinent to responder safety.
- (c) Wear personal protective gear, being cognizant that some hazardous material can be inhaled.

# South Bend Police Department

## Policy Manual

### *Hazardous Material Response*

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- (d) Remain upwind, uphill and at a safe distance, maintaining awareness of weather and environmental conditions, until the material is identified and a process for handling has been determined.
- (e) Attempt to identify the type of hazardous material from a safe distance using optical aids (binoculars or spotting scopes) if they are available. Identification can be determined by:
  - 1. Placards or use of an emergency response guidebook.
  - 2. Driver's statements or shipping documents from the person transporting the material.
  - 3. Information obtained from any involved person with knowledge regarding the hazardous material. Information should include:
    - (a) The type of material.
    - (b) How to secure and contain the material.
    - (c) Any other information to protect the safety of those present, the community and the environment.
- (f) Provide first aid to injured parties if it can be done safely and without contamination.
- (g) Make reasonable efforts to secure the scene to prevent access from unauthorized individuals and to protect and identify any evidence.
- (h) Begin evacuation of the immediate and surrounding areas, dependent on the material. Voluntary evacuation should be considered; mandatory evacuation may be necessary and will depend on the type of material.
- (i) Establish a decontamination area when needed.

#### **407.5 REPORTING EXPOSURE**

Department members who believe they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the member in an Incident/Exposure Form that shall be forwarded via chain of command to the Shift Supervisor as soon as practicable. Should the affected member be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

##### **407.5.1 SUPERVISOR RESPONSIBILITIES**

When a supervisor has been informed that a member has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to mitigate the exposure or continued exposure.

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### *Hazardous Material Response*

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To ensure the safety of members, safety equipment is available from Support Services. Safety items not maintained by this department may be available through the appropriate fire department or emergency response team.

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## Hostage and Barricade Incidents

### 408.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

#### 408.1.1 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 may be armed with a dangerous or deadly weapon.

**Hostage situation** - An incident where it is reasonable to believe a person is:

- Unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.
- Unlawfully held against his/her will under threat or actual use of force.

### 408.2 POLICY

It is the policy of the South Bend Police Department to address hostage and barricade situations with due regard for the preservation of innocent life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

### 408.3 COMMUNICATION

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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# South Bend Police Department

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### *Hostage and Barricade Incidents*

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## Response to Bomb Calls

### 409.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the South Bend 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.

### 409.2 POLICY

It is the policy of the South Bend Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

### 409.3 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.

#### 409.3.1 BOMB SQUAD RESPONSE

The South Bend Police Department Bomb Squad will provide assisting services to the following seven counties:

- Elkhart
- Kosciusko
- LaPorte
- Marshall
- Pulaski
- Starke
- St. Joseph

The South Bend Police Department Bomb Squad will assist law enforcement agencies in these counties when requested by a commanding officer. Any member receiving the call for bomb squad assistance must get the name of the commanding officer, the agency and the time of the call. This information is to be given to the squad leader.



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### *Response to Bomb Calls*

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The South Bend Police Department Bomb Squad responds only if the bomb or suspected bomb appears to be located in a suitcase, briefcase or other unidentified package. The South Bend Police Department Bomb Squad does not respond to bomb threat calls.

A superior officer will determine that explosive devices were used to commit a criminal act and that superior officer will summon the Bomb Squad.

#### **409.4 GOVERNMENT FACILITY OR PROPERTY**

A bomb threat targeting a government facility may require a different response based on the government agency.

##### **409.4.1 SOUTH BEND POLICE DEPARTMENT FACILITY**

If the bomb threat is against the South Bend 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.

##### **409.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY**

If the bomb threat is against a county or municipal facility within the jurisdiction of the South Bend 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.

##### **409.4.3 FEDERAL BUILDING OR PROPERTY**

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified.

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.

#### **409.5 PRIVATE FACILITY OR PROPERTY**

When a member of this department receives notification of a bomb threat at a location in the City of South Bend, 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 there are any internal facility procedures regarding bomb threats in place, such as:

# South Bend Police Department

## Policy Manual

### *Response to Bomb Calls*

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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.

#### 409.5.1 ASSISTANCE

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.
- (b) The plan for assistance.
- (c) Whether to evacuate and/or search the facility.
- (d) 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.

#### 409.6 FOUND DEVICE

[REDACTED]

[REDACTED]

[REDACTED]

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# South Bend Police Department

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### Response to Bomb Calls

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#### **409.7 EXPLOSION/BOMBING INCIDENTS**

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, contamination of the scene by gathering crowds or any additional damage from fires or unstable structures.

##### **409.7.1 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.

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## Policy Manual

### *Response to Bomb Calls*

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- (h) Establish an outer perimeter and evacuate if necessary.
- (i) Identify witnesses.

#### 409.7.2 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
- Shift Supervisor
- Chief of Police
- 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

#### **409.8 CROWD CONTROL**

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

##### 409.8.1 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 embedded in nearby structures or hanging in trees and bushes.

## Crisis Intervention Incidents

### 410.1 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.

#### 410.1.1 DEFINITIONS

Definitions related to this policy include:

**Person in crisis** - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; noncompliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

### 410.2 POLICY

The South Bend 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.

### 410.3 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 or lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

# South Bend Police Department

## Policy Manual

### *Crisis Intervention Incidents*

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Members should be aware that this list is not exhaustive. The presence or absence of any of these signs should not be treated as proof of the presence or absence of a mental health issue or crisis.

#### **410.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS**

The Training Division should designate appropriate personnel to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

##### **410.4.1 CRISIS INTERVENTION TEAMS**

The designated Division Chief should coordinate department participation with any local crisis intervention team (CIT), including, as reasonable, identifying CIT-trained officers and incorporating information from the Indiana technical assistance center for CITs into department procedures as appropriate (I.C. § 5-2-21.2-1; I.C. § 5-2-21.2-2; I.C. § 5-2-21.2-6).

#### **410.5 FIRST RESPONDERS**

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

- (a) Promptly assess the situation 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.

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### *Crisis Intervention Incidents*

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- (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.

#### **410.6 DE-ESCALATION**

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm and courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (i.e., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

#### **410.7 INCIDENT ORIENTATION**

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents or suicide threats/attempts, and whether there has been previous police response.
- (c) Contact information for a treating physician or mental health professional.

## *Crisis Intervention Incidents*

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Additional resources and a supervisor should be requested as warranted.

### **410.8 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.
- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Absent an imminent threat to the public, consider strategic disengagement. This may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Division Chief.
- (f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

### **410.9 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.

#### **410.9.1 DIVERSION**

Individuals who are not being arrested should be processed in accordance with the Involuntary Detentions Policy.

### **410.10 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS**

Civilian or clerical members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.



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### *Crisis Intervention Incidents*

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- (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.

#### **410.11 EVALUATION**

The Division Chief designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

#### **410.12 SEIZURE OF FIREARMS**

An officer may seize a firearm from a person determined to be dangerous. The seizure may occur with or without a warrant.

A dangerous person is a person who, for the purposes of these seizures only, (I.C. § 35-47-14-1):

- (a) Presents an imminent risk of personal injury to the person or others.
- (b) May present a risk of personal injury to the person or others in the future and the person:
  1. Has a mental illness as defined in I.C. § 12-7-2-130 that may be controlled by medication, and has not demonstrated a pattern of voluntarily and consistently taking the person's medication while not under supervision.
  2. Is the subject of documented evidence that would give rise to a reasonable belief that the person has a propensity for violent or emotionally unstable conduct.

Having been recently released from a mental health facility or having a mental illness that is currently controlled by medication does not establish that the individual is dangerous.

A firearm seized without a warrant under these circumstances requires the officer to submit to the circuit or superior court having jurisdiction over the individual believed to be dangerous, a written statement under oath or affirmation describing the basis for the belief that the individual is dangerous (I.C. § 35-47-14-3).

An officer is not authorized to perform a warrantless search or seizure if a warrant would otherwise be required.

# Involuntary Detentions

## 411.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place a person under involuntary detention.

### 411.1.1 DEFINITIONS

Definitions related to this policy include:

**Immediate detention** - When an individual is involuntarily detained by an officer for immediate hospitalization as provided in I.C. § 12-26-4-1.

**Involuntary detention** - Includes both immediate and emergency detentions.

**Emergency detention** - When an individual is involuntarily detained pursuant to a court approved petition under I.C. § 12-26-5-1.

## 411.2 POLICY

It is the policy of the South Bend Police Department to protect the public and individuals through legal and appropriate use of the involuntary detention process.

## 411.3 AUTHORITY

An officer may take an individual in to custody and transport him/her to an appropriate facility in the following circumstances:

- (a) There are reasonable grounds to believe that an individual has a mental illness, is either dangerous or gravely disabled, and is in immediate need of hospitalization and treatment (I.C. § 12-26-4-1).
- (b) Pursuant to a court order (I.C. § 12-26-4-1.5).
- (c) Where an emergency detention petition is approved by a judge (I.C. § 12-26-5-2).

Individuals shall not be transported to a state institution unless the emergency detention petition was filed by a state institution or the court order specifies otherwise (I.C. § 12-26-4-1; I.C. § 12-26-4-1.5; I.C. § 12-26-5-2).

### 411.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for an involuntary detention, they may inquire as to whether the person desires to be voluntarily evaluated at an appropriate facility. If the person so desires, the officer should:

- (a) Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person.
- (b) If at any point the person changes his/her mind regarding voluntary evaluation, the officers should proceed with the involuntary immediate detention, if appropriate (I.C. § 12-26-4-1).

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### *Involuntary Detentions*

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- (c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

#### **411.4 CONSIDERATIONS AND RESPONSIBILITIES**

Any officer handling a call involving a person who may qualify for involuntary immediate detention should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the possible cause and nature of the person's action or stated intentions.
- (b) Conflict resolution and de-escalation techniques.

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.

Involuntary detentions should be preferred over arrest for people who have mental health issues and are suspected of committing minor crimes or creating other public safety issues.

#### **411.5 TRANSPORTATION**

When transporting any individual for involuntary detention, the transporting officer should have Communication Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in the patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Shift Supervisor or authorized designee approval is required before transport commences.

#### **411.6 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 emergency petition or written statement (Request for an Immediate (24-Hour) Detention form) containing the basis for the officer's belief the person qualifies for involuntary detention and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

#### **411.7 DOCUMENTATION**

The Request for an Immediate (24-Hour) Detention form containing the basis for the conclusion that reasonable grounds exist for immediate detention shall be provided to the facility staff member

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### *Involuntary Detentions*

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assigned to the individual. A copy shall be retained for inclusion in the case report and filed with the court if any related criminal charges are filed by the officer (I.C. § 12-26-4-3).

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

The Records Bureau Director shall forward a copy of the Request for an Immediate (24-Hour) Detention form, and/or related reports, to the Mental Health Clerk (currently Diane Perkins, [Dperkins @co.st-joseph.in.us](mailto:Dperkins@co.st-joseph.in.us)) and Adult Protective Services ([apsreports@stjoepros.org](mailto:apsreports@stjoepros.org), fax number (574) 235-9734).

#### **411.8 CRIMINAL OFFENSES**

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken into custody on an involuntary detention should resolve the criminal matter by issuing a summons and promise to appear in court, as appropriate.

When an individual who may qualify for an involuntary detention 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 involuntary detention.
- (c) Facilitate the individual's transfer to jail.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for an involuntary detention.

#### **411.9 FIREARMS AND OTHER WEAPONS**

Whenever a person is taken into custody for an involuntary detention, the handling officers should seek to determine if the individual owns or has access to any firearm or other deadly weapon.

Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent). A firearm may be seized under I.C. § 35-47-14-3 if the officer believes the person presents an imminent risk of personal injury to him/herself or another and the officer submits to the circuit or superior court having jurisdiction over the person a written statement under oath or affirmation describing the basis for the belief that the person is dangerous.

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling officer should further advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody.

## Promise to Appear and Release

### 412.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the South Bend Police Department with guidance on when to release adults who are suspected offenders on a promise to appear in court for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

Additional release restrictions may apply to those detained for domestic violence, as outlined in the Domestic or Family Violence Policy.

### 412.2 POLICY

The South Bend Police Department will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a promise to appear in court, when authorized to do so.

### 412.3 RELEASE

A suspected offender may be released on issuance of a promise to appear in court for any misdemeanor except when the offender is (I.C. § 9-30-2-5):

- (a) Arrested for a traffic misdemeanor other than the misdemeanor of operating a vehicle while intoxicated (OWI). The offender shall be immediately taken to court or released from custody upon signing a written promise to appear in court.
- (b) Not an Indiana resident and is arrested for a misdemeanor that regulates the use and operation of a motor vehicle. If the offender is not immediately taken to court, he/she shall be released upon the deposit of a security, if required.

### 412.4 PROHIBITIONS

The release of a suspected offender on a promise to appear in court is not permitted when:

- (a) The person is arrested for a felony (I.C. § 35-33-4-1(f)).
- (b) The person is arrested for a motor vehicle misdemeanor, except for OWI, when the person (I.C. § 9-30-2-4):
  1. Demands an immediate appearance before a court.
  2. Is charged with an offense of causing or contributing to an accident resulting in injury to, or death of, another person.
  3. Is charged with failure to stop for an accident causing death, personal injuries or damage to property.
  4. Refuses to give his/her written promise to appear in court.
  5. Is charged with driving while his/her license is suspended or revoked.

See the Domestic or Family Violence Policy for release restrictions related to those investigations.

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### *Promise to Appear and Release*

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#### **412.5 CONSIDERATIONS**

In determining whether to release a person on a promise to appear in court 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 person failing to appear in previous cases or there are other articulable indications that the person may not appear in court for this offense.
- (e) The person's ties to the area, such as residence, employment or family.
- (f) Whether there is reasonable likelihood that criminal conduct by the person will continue.

# Foreign Diplomatic and Consular Representatives

## 413.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the South Bend Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

## 413.2 POLICY

The South Bend 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.

## 413.3 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.

# South Bend Police Department

## Policy Manual

### *Foreign Diplomatic and Consular Representatives*

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#### **413.4 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

#### **413.5 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.



# South Bend Police Department

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### *Foreign Diplomatic and Consular Representatives*

#### **413.6 DIPLOMATIC IMMUNITY**

Reference table on diplomatic immunity:

<b>Category</b>	<b>Arrested or Detained</b>	<b>Enter Residence Subject to Ordinary Procedures</b>	<b>Issued Traffic Citation</b>	<b>Subpoenaed as Witness</b>	<b>Prosecuted</b>	<b>Recognized Family Members</b>
<b>Diplomatic Agent</b>	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
<b>Member of Admin and Tech Staff</b>	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
<b>Service Staff</b>	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
<b>Career Consul Officer</b>	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts  Testimony may not be compelled in any case	No for official acts  Yes otherwise (note (a))	No immunity or inviolability
<b>Honorable Consul Officer</b>	Yes	Yes	Yes	No for official acts  Yes otherwise	No for official acts  Yes otherwise	No immunity or inviolability
<b>Consulate Employees</b>	Yes (note (a))	Yes	Yes	No for official acts  Yes otherwise	No for official acts  Yes otherwise (note (a))	No immunity or inviolability (note (a))
<b>Int'l Org Staff (note (b))</b>	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts  Yes otherwise (note (c))	No immunity or inviolability

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### *Foreign Diplomatic and Consular Representatives*

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<b>Diplomatic-Level Staff of Missions to Int'l Orgs</b>	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity and inviolability)
<b>Support Staff of Missions to Int'l Orgs</b>	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

#### Notes for diplomatic immunity table:

- (a) This table represents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety or the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

## Rapid Response and Deployment

### 414.1 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.

### 414.2 POLICY

The South Bend Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services.

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.

### 414.3 CONSIDERATIONS

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

### 414.4 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably possible, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to incidents at other locations.

When deciding on a course of action officers should consider and respond in a manner consistent with department training.

## *Rapid Response and Deployment*

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### **414.5 PLANNING**

The Patrol Division Chief or authorized designee should coordinate critical incident planning and training. This training should be a cooperative effort among emergency services providers, including mutual aid understandings with other agencies.

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## Utility Service Emergencies

### 416.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for addressing City utility service emergencies. This policy will address calls for service that are directed to the Police Department.

### 416.2 POLICY

It is the policy of the South Bend Police Department to appropriately respond to City emergency utility service requests received by this department.

### 416.3 UTILITY SERVICE EMERGENCY

A current contact list of City personnel to be notified in the event of a utility service emergency should be available in Communication Center and the Records Bureau.

#### 416.3.1 ELECTRICAL LINES

When a power line poses a hazard, a member of this department should be dispatched to the reported location to protect against personal injury or property damage that might be caused by the power line. The fire department, electric company and/or the public works department should be promptly notified, as appropriate.

#### 416.3.2 RESERVOIRS, PUMPS, WELLS

In the event of flooding or equipment malfunctions involving City reservoirs, pumps or wells, the public works department should be contacted as soon as practicable.

#### 416.3.3 NATURAL GAS LINES

All reports of a possible leak of natural gas or damage to a natural gas line shall promptly be referred to the fire department and the local entity responsible for gas lines. A member of this department should be dispatched to the reported location if it appears that assistance such as traffic control or evacuation is needed.

#### 416.3.4 TRAFFIC SIGNALS

A member of this department should be dispatched upon report of a damaged or malfunctioning traffic signal in order to protect against personal injury or property damage that might occur as the result of the damaged or malfunctioning signal. The member will advise Communication Center of the problem with the traffic signal.

A decision to place a signal on flash, and deploying portable stop signs, should include a consultation with the Bureau of Traffic and Lighting, unless exigent circumstances exist.

## Aircraft Accidents

### 417.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Operations Plan and Hazardous Material Response policies.

#### 417.1.1 DEFINITIONS

Definitions related to this policy include:

**Aircraft** - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

### 417.2 POLICY

It is the policy of the South Bend Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

### 417.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

### 417.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

# South Bend Police Department

## Policy Manual

### *Aircraft Accidents*

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#### **417.5 NOTIFICATIONS**

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)

#### **417.6 CONTROLLING ACCESS AND SCENE AUTHORITY**

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Coroner.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

#### **417.7 DANGEROUS MATERIALS**

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.

# South Bend Police Department

## Policy Manual

### *Aircraft Accidents*

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- Pressure vessels, compressed gas bottles, accumulators and tires.
- Fluids, batteries, flares and igniters.
- Evacuation chutes, ballistic parachute systems and composite materials.

#### **417.8 DOCUMENTATION**

All aircraft accidents occurring within the City of South Bend shall be documented. At a minimum, the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of SBPD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented in the appropriate crime report.

##### **417.8.1 WRECKAGE**

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
  1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

##### **417.8.2 WITNESSES**

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.



# South Bend Police Department

## Policy Manual

### *Aircraft Accidents*

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#### **417.9 MEDIA RELATIONS**

The Public Information Officer (PIO), or media liaison, should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO, or media liaison, should coordinate with other involved entities before the release of information.

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## Field Training

### 418.1 PURPOSE AND SCOPE

This policy provides guidelines for field training that ensure standardized training and evaluation, facilitate the transition from the academic setting to the actual performance of general law enforcement duties, and introduce the policies, procedures and operations of the South Bend Police Department. The policy addresses the administration of field training and the selection, supervision, training and responsibilities of the Field Training Officer (FTO).

### 418.2 POLICY

It is the policy of the South Bend Police Department that all newly hired or appointed officer trainees will participate in field training that is staffed and supervised by trained and qualified FTOs.

### 418.3 FIELD TRAINING

The Department shall establish minimum standards for field training, which should be of sufficient duration to prepare officer trainees for law enforcement duties and be in compliance with Indiana Law Enforcement Training Board requirements. The field training is designed to prepare trainees for a patrol assignment and ensure they acquire the skills needed to operate in a safe, productive and professional manner, in accordance with the general law enforcement duties of this department.

To the extent practicable, field training should include procedures for:

- (a) Issuance of training materials to each trainee at the beginning of his/her field training.
- (b) Daily, weekly and monthly evaluation and documentation of the trainee's performance.
- (c) A multiphase structure that includes:
  1. A formal evaluation progress report completed by the FTOs involved with the trainee and submitted to the Training Commander and FTO coordinator.
  2. Assignment of the trainee to a variety of shifts and geographical areas.
  3. Assignment of the trainee to a rotation of FTOs in order to provide for an objective evaluation of the trainee's performance.
- (d) The trainee's confidential evaluation of his/her assigned FTOs and the field training process.
- (e) Retention of all field training documentation in the officer trainee's training file including:
  1. All performance evaluations.

# South Bend Police Department

## Policy Manual

### *Field Training*

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#### 418.3.1 VETERAN OFFICER REFRESHER COURSE

All officers who have been away from patrol responsibilities for an extended period of time, whether through reassignment, sickness, injury, or family leave, are required to go through refresher training. The veteran officer, instructor and training staff will determine when the refresher training will end. The veteran officer and instructor shall complete and sign all required forms prior to the veteran officer being released from the refresher training program.

#### **418.4 FTO COORDINATOR**

The Chief of Police shall delegate certain responsibilities to an FTO coordinator. The FTO coordinator shall be appointed by and directly responsible to the Operations Division Chief or the authorized designee.

The FTO coordinator may appoint a senior FTO or other designee to assist in the coordination of FTOs and their activities.

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

- (a) Assigning of trainees to FTOs.
- (b) Conducting FTO meetings.
- (c) Maintaining and ensuring FTO and trainee performance evaluations are completed.
- (d) Maintaining, updating and issuing department training materials to each FTO and trainee.
- (e) Developing ongoing training for FTOs.
- (f) Mentoring and supervising individual FTO performance.
- (g) Monitoring the overall performance of field training.
- (h) Maintaining liaison with police academy staff on recruit officer performance during academy attendance.
- (i) Performing other activities as may be directed by the Operations Division Chief.

#### **418.5 FTO SELECTION, TRAINING AND RESPONSIBILITIES**

##### 418.5.1 SELECTION PROCESS

The selection of an FTO will be at the discretion of the Chief of Police or the authorized designee. Selection will be based on the officer's:

- (a) Desire to be an FTO.
- (b) Experience, which shall include a minimum of three years of patrol experience, two of which shall be with this department.
- (c) Demonstrated ability as a positive role model.
- (d) Evaluation and recommendation by supervisors.
- (e) Possession of, or ability to obtain, department-approved certification.

# South Bend Police Department

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### *Field Training*

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An FTO must remain in good standing and may be relieved from FTO duties due to discipline, inappropriate conduct or poor performance.

#### 418.5.2 TRAINING

An officer selected as an FTO shall successfully complete the department-approved FTO course prior to being assigned as an FTO.

All FTOs must complete an FTO update course approved by this department a minimum of every three years while assigned to the position of FTO.

#### 418.5.3 TRAINING MATERIALS

The FTO shall receive training materials outlining the requirements, expectations and objectives of the FTO position. FTOs should refer to their training materials or the FTO coordinator regarding specific questions related to FTO or field training.

#### 418.5.4 RESPONSIBILITIES

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

- (a) Issuing his/her assigned trainee field training materials in accordance with the Training Policy.
  - 1. The FTO shall ensure that the trainee has the opportunity to become knowledgeable of the subject matter and proficient with the skills as set forth in the training materials.
  - 2. The FTO shall sign off on all completed topics contained in the training materials, noting the methods of learning and evaluating the performance of his/her assigned trainee.
- (b) Completing and reviewing daily performance evaluations with the trainee.
- (c) Completing and submitting a written evaluation on the performance of his/her assigned trainee to the FTO coordinator on a daily basis.
- (d) Completing a detailed weekly performance evaluation of his/her assigned trainee at the end of each week.
- (e) Completing a monthly evaluation report of his/her assigned trainee at the end of each month.
- (f) Providing the shift supervisor with a verbal synopsis of the trainee's activities at the end of each day or during any unusual occurrence needing guidance or clarification.

## Air Support

### 419.1 PURPOSE AND SCOPE

The use of air support can be invaluable in certain situations. This policy specifies situations where the use of air support may be requested and the responsibilities for making a request.

### 419.2 POLICY

It is the policy of the South Bend Police Department to prioritize requests for air support to enhance law enforcement objectives and provide additional safety to officers and the community.

### 419.3 REQUEST FOR AIR SUPPORT

If a supervisor or officer in charge of an incident determines that the use of air support would be beneficial, a request to obtain air support from Memorial Medflight may be made.

#### 419.3.1 CIRCUMSTANCES FOR REQUESTS

Law enforcement air support may be requested under conditions that include, but are not limited to the following examples:

- (a) When the safety of officers or the community is in jeopardy and the presence of air support may reduce such hazard.
- (b) When the use of air support will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to officers or the community.
- (c) When air support is needed to locate a person who is lost and whose continued absence constitutes a serious health or safety hazard.
- (d) Vehicle pursuits.
- (e) Pre-planned events or actions that require air support.
- (f) Due to a request under an existing mutual aid agreement.
- (g) When the Shift Supervisor or equivalent authority determines a reasonable need exists.

#### 419.3.2 ALLIED AGENCY REQUEST

After consideration and approval of the request for air support, the Shift Supervisor or the authorized designee will call Memorial Medflight and will apprise them of the specific details of the incident prompting the request.

## Contacts and Temporary Detentions

### 420.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for officer and citizen contact when temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and Terry Stops, and legal guidelines during pat-down searches, and the taking and disposition of photographs.

#### 420.1.1 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 and articulable 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 but limited patting-down of the outer clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

**Reasonable and articulable 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.

### 420.2 POLICY

The South Bend 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 articulable suspicion, the totality of the circumstances, officer safety considerations and constitutional safeguards.

# South Bend Police Department

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### *Contacts and Temporary Detentions*

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#### **420.3 FIELD INTERVIEWS**

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the South Bend Police Department to strengthen community involvement, community awareness and problem identification.

##### **420.3.1 INITIATING A FIELD INTERVIEW**

Considerations for initiating a field interview may include:

- (a) Actions suggesting that a person is engaged in criminal activity.
- (b) Carrying of suspicious objects or items.
- (c) Excessive clothes for the climate or clothes bulging in a manner that suggest a person is carrying a dangerous weapon.
- (d) Location in proximate time and place to an alleged crime.
- (e) Physical description or clothing worn that matches a suspect in a recent crime.

#### **420.4 PAT-DOWN SEARCHES**

Once a valid stop has been made, and consistent with an 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 should be positioned to ensure safety and should not be involved in the search.

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### *Contacts and Temporary Detentions*

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#### 420.4.1 EXPLANATION TO DETAINED PERSON

Officers shall act with as much restraint and courtesy towards the person stopped as is possible under the circumstances. At some point during the stop, the officer shall, in every case, give the person stopped an explanation of the purpose of the stop.

#### 420.4.2 DURATION

A person stopped pursuant to these rules may be detained at or near the scene of the stop for a reasonable period of time. Officers should detain a person only for the length of time reasonably necessary to obtain or verify the person's identification, or an account of the person's presence or conduct, or an account of the offense, or otherwise determine if the person should be arrested or released.

#### 420.4.3 RIGHTS OF DETAINED PERSON

- (a) The officer may direct questions to the detained person for the purpose of obtaining his/her name, address, and an explanation of his/her presence and conduct. The detained person may not be compelled to answer these questions.
- (b) A detained person who has committed an infraction or ordinance violation must produce an operator's license and vehicle registration if the person had been operating a motor vehicle and the officer demands such documentation or be subject to arrest (I.C. § 34-28-5-3.5).
- (c) *Miranda* warnings are required at the beginning of a custodial interrogation. An officer may not question a person, get some kind of incriminating admission, then give *Miranda*, have the waiver signed and record the remainder of the interview.

#### 420.4.4 EFFECTS OF REFUSAL TO COOPERATE

Refusal to answer questions or to produce identification does not by itself establish probable cause to arrest, but such refusal may be considered along with other factors as an element adding to probable cause.

#### 420.4.5 EFFECTING A STOP AND DETENTION

Officers shall use the least coercive means necessary under the circumstances to effect a stop and to detain a person.

#### 420.4.6 USE OF FORCE

- (a) An officer may use only the amount of non-deadly force that is reasonably necessary to stop and detain a person pursuant to these guidelines.
- (b) If an officer is attacked, or circumstances exist that create probable cause to arrest, the officer may use that amount of force necessary for defense or to effect a full-custody arrest.
- (c) The officer shall comply with the Use of Force Policy.



# South Bend Police Department

## Policy Manual

### *Contacts and Temporary Detentions*

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#### 420.4.7 HANDCUFFING

- (a) In accordance with training guidelines by the Indiana Law Enforcement Academy and the South Bend Police Training Bureau, officers have the option to handcuff a person during an investigatory stop. However, the officer must be able to articulate why handcuffing was necessary to protect himself/herself or others in a potentially dangerous situation or in a situation where the person stopped was a flight risk.
- (b) Handcuffing does not necessarily elevate an investigatory stop into an arrest.
- (c) Officers should, when feasible, inform the person:
  - (a) They are not under arrest.
  - (b) They are temporarily detained until it can be determined whether probable cause exists to arrest.
  - (c) They will be released, if the officer determines there is not enough evidence to arrest or search.

#### 420.4.8 STOPPING WITNESSES NEAR THE SCENE OF A CRIME

An officer may not use his/her authority and order a witness to a crime to stop. A witness should be treated as a social contact. An officer has an obligation to contact a witness and request their assistance in the investigation. However, the witness has the choice to cooperate or leave at any time during the contact.

#### 420.4.9 CITING JUSTIFICATION FOR A PAT-DOWN

Every officer who conducts a pat-down must be prepared to cite those specific factors which led him/her to conclude that a reasonable suspicion existed before the pat-down began.

### **420.5 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.

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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.

#### **420.6 FRISKS**

##### 420.6.1 WHEN TO FRISK

An officer may conduct a frisk for weapons during an investigatory stop if the officer has a reasonable belief based on specific facts that this particular suspect is armed and dangerous.

##### 420.6.2 FACTORS WHEN ESTABLISHING A REASONABLE SUSPICION TO FRISK

- (a) The following is a list of factors that an officer should consider in establishing reasonable suspicion for a frisk. However, some factors, such as location and time of day, by themselves will NOT support a reasonable suspicion that the individual is armed or dangerous.
- (b) The person's appearance:
  1. Do his/her clothes bulge in a manner suggesting the presence of any object capable of inflicting injury?
- (c) The person's actions:
  1. Did he/she make a furtive movement - as if to hide a weapon - as he/she was approached?
  2. Is he/she nervous during the course of the detention?
  3. Are his/her words or actions threatening?
- (d) Prior knowledge:
  1. Does the officer know if the person has a police record for weapons offenses or assaults (on police officers or others)?
  2. Does the officer know if the person has a reputation for carrying weapons or for violent behavior?
- (e) Location:
  1. Is the area known for criminal activity - a "high crime" area?
  2. Is the area sufficiently isolated so that the officer is unlikely to receive aid if attacked?
- (f) Time of day:
  1. Is the confrontation taking place at night?
  2. Does this contribute to the likelihood that the officer will be attacked?
- (g) Surrounding circumstances:

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1. Does the officer's suspicion of the suspect involve a serious and violent offense or an armed offense? If so, the same factors justifying the stop also justify the frisk.
- (h) Companions:
1. Has the officer detained a number of people at the same time?
  2. Has a frisk of a companion of the suspect revealed a weapon?
  3. Does the officer have assistance immediately available to handle the number of persons he has stopped?

#### 420.6.3 CITING JUSTIFICATION FOR A FRISK

Every officer who conducts a frisk must be prepared to cite those specific factors which led him/her to conclude that a reasonable suspicion existed before the frisk began.

#### **420.7 FRISK PROCEDURES**

A frisk is a limited search of a person's outer clothing for the purpose of protection only. Officers must not use the frisk power to conduct full-scale searches designed to produce contraband or other incriminating items.

##### 420.7.1 GENERAL CONDUCT OF A FRISK

- (a) Separable possessions:
1. If the person is carrying an object immediately separable from his person, (e.g., purse, shopping bag or briefcase) it cannot be searched unless the officer reasonably believes the object contains a weapon or dangerous instrument.
- If the object is not believed to contain a weapon or dangerous object, the officer should take the object and place in secure location out of the person's reach for the duration of the detention. The officer cannot look inside it or manipulate it to discern the contents.
- (b) Beginning the frisk/pat-down:
1. The officer should begin the frisk at that part of the person's outside apparel most likely to contain a weapon or dangerous instrument. Frisks are limited to a pat-down of the person's outer clothing unless:
    - (a) The outer clothing is too bulky to allow the officer to determine if a weapon or dangerous instrument is concealed underneath. In this event, outer clothing such as overcoats and jackets may be opened to allow a pat-down directly on the inner clothing, such as shirts and trousers.
    - (b) The officer has reliable information or his/her own knowledge and observations that a weapon or dangerous instrument is concealed at a particular location on the person, such as a pocket, waistband, or sleeve. In this event, the officer may reach directly into the suspected area. This is an unusual procedure and any officer so proceeding must be prepared

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to cite the precise factors which led him/her to forego the normal pat-down procedures.

#### **420.8 DISCOVERY OF WEAPON, INSTRUMENT OR OTHER PROPERTY**

If, when conducting a frisk, the officer feels an object which he/she reasonably believes is a weapon or dangerous instrument or may contain such items, he/she may reach into the area of the person's clothing where the object is located and remove the object.

Once removed, the object believed to be a potential weapon will be one of the following:

- (a) Weapon or dangerous instrument;
- (b) Seizable items (includes contraband, loot, anything used in the commission of a crime, or other evidence of a crime);
- (c) An object capable of containing a weapon or dangerous instrument;
- (d) An object that is none of the above.

Depending on which category the removed object falls into, the officer should proceed in one of the following ways:

- (a) Category 1: The object is a weapon or dangerous instrument
  - (a) The officer should determine if the person's possession of the weapon or dangerous instrument is licensed or otherwise lawful. If lawful, the officer should place the object in a secure location out of the person's reach for the duration of the detention. Ammunition may be removed from any firearm and the weapon and ammunition returned in a manner that ensures the officer's safety.
  - (b) If the possession is unlawful, the officer may seize the weapon or dangerous instrument and then may arrest the person and conduct a full-custody search of him/her.
- (b) Category 2: The object is a seizable item
  - (a) If the object is a seizable item, the officer may seize and consider it in determining if probable cause exists to arrest the person. If the officer arrests the person, he/she may conduct a full-custody search of him/her.
- (c) Category 3: The object is a container capable of holding a weapon or dangerous instrument
  - (a) If the object is a container that could reasonably contain a weapon or dangerous instrument and if the officer has a reasonable belief that it does contain such an item, he/she may look inside the object and briefly examine its contents. If the object does contain a weapon or dangerous instrument or seizable items, the officer should proceed as in Category 1 or Category 2 above. However, if the officer, upon examining the contents of the object, finds no weapon or dangerous instrument or seizable item, he/she should return it to the person at an appropriate time and continue with the frisk or detention.
  - (b) If the object is a container that could not reasonably contain a weapon or dangerous instrument or if the officer does not have a reasonable belief that it contains such an item, then he/she should not look inside it. He/she may either

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return the object to the person and continue with the frisk or detention or he/she may treat the object as a separable item as described in the Frisk Procedures section of this policy.

- (d) Category 4: The object is not a weapon or dangerous instrument, not a seizable item and not capable of holding a weapon or dangerous instrument
  - 1. If the object does not fall into any of Categories 1, 2 or 3 above, the officer should not look inside the object but should return it to the person at an appropriate time and continue with the frisk or detention.

#### **420.9 INADVERTANT DISCOVERY OF ANOTHER OBJECT**

If removal of the suspected object simultaneously discloses a second object that itself is a seizable item, the officer may lawfully seize the second object.

#### **420.10 DISCOVERY OF INCRIMINATING EVIDENCE**

If, while conducting a frisk, an officer feels an object which he/she firmly believes without further manipulation to be a seizable item, the officer may remove the item from the person.

#### **420.11 PROCEDURE FOLLOWING UNPRODUCTIVE FRISK**

If the frisk discloses nothing justifying removal or seizure, and nothing providing probable cause for arrest, an officer may continue to detain while concluding the investigation.

# Criminal Organizations

## 421.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the South Bend Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

### 421.1.1 DEFINITIONS

Definitions related to this policy include:

**Criminal intelligence information** - Information on identifiable individuals compiled in an effort to anticipate, prevent or monitor possible criminal activity, including terrorist activity. Criminal intelligence information does not include criminal investigative information, which is information on identifiable individuals compiled in the course of the investigation of specific criminal acts (I.C. § 5-2-4-1).

**Criminal intelligence system** - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

## 421.2 POLICY

The South Bend Police Department recognizes that certain criminal activities, including, but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

## 421.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

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### 421.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, field interview (FI), photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Bureau. Any supporting documentation for an entry shall be retained by the Records Bureau in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Bureau are appropriately marked as intelligence information. The Director of Records may not purge such documents without the approval of the designated supervisor.

### 421.3.2 CRIMINAL INTELLIGENCE SYSTEM

Authorized members may obtain and transfer criminal intelligence information with the Indiana Intelligence Fusion Center if reasonable suspicion exists that the subject of the criminal intelligence information is involved with, or has knowledge of, possible criminal or terrorist activity and the criminal intelligence information is relevant to the criminal or terrorist activity (I.C. § 10-11-9-4).

## **421.4 TEMPORARY INFORMATION FILE**

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved criminal intelligence system only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of criminal intelligence system entries.

### 421.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

- (a) Must only be included upon documented authorization of the responsible department supervisor.
- (b) Should not be originals that would ordinarily be retained by the Records Bureau or Records Bureau, but should be copies of, or references to, retained documents, such as copies of reports, FI forms, Communication Center records or booking forms.
- (c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.

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- (d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.
- (e) Criminal intelligence information concerning a particular individual shall be collected and maintained only if grounds exist connecting the individual with known or suspected criminal activity and if the information is relevant to that activity (I.C. § 5-2-4-3).

Criminal intelligence information shall not be placed in a criminal history file, nor shall a criminal history file indicate or suggest that a criminal intelligence file exists on the individual to whom the information relates. Criminal history information may, however, be included in criminal intelligence files (I.C. § 5-2-4-2).

#### 421.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged.

Criminal intelligence information shall be reviewed by the Chief of Police at regular intervals to determine whether the grounds for retaining the information still exist. If not, the criminal intelligence information shall be destroyed (I.C. § 5-2-4-4).

#### **421.5 INFORMATION RECOGNITION**

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

- (a) Gang indicia associated with a person or residence.
- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Training Commander to train members to identify information that may be particularly relevant for inclusion.

#### **421.6 RELEASE OF INFORMATION**

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy (I.C. § 5-2-4-6).

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor



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responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

When necessary to avoid imminent danger to life or property, the Department may disseminate an assessment of criminal intelligence information to (I.C. § 5-2-4-7):

- (a) A government official.
- (b) Another individual:
  - 1. Whose life or property is in imminent danger.
  - 2. Who is responsible for protecting the life or property of another person.
  - 3. Who may be in a position to reduce or mitigate the imminent danger to life or property.

#### **421.7 CRIMINAL STREET GANGS**

The Investigative Bureau supervisor should ensure that there are an appropriate number of department members who can:

- (a) Testify as experts on matters related to criminal gangs, and maintain an above-average familiarity with:
  - 1. Criminal gang development (I.C. § 35-45-9-1).
  - 2. Criminal gang membership (I.C. § 35-50-2-15).
  - 3. Furthering or benefitting the criminal gang (I.C. § 35-45-9-3).
- (b) Coordinate with other agencies in the region regarding criminal gang-related crimes and information to include the Indiana Gang Network (INGangNetwork).
- (c) Train other members to identify gang indicia and investigate criminal gang-related crimes.

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## Shift Supervisors

### 422.1 PURPOSE AND SCOPE

This policy provides guidelines for the designation of a Shift Supervisor and, as needed, an acting Shift Supervisor for each shift.

### 422.2 POLICY

Each shift will be directed by a Shift Supervisor capable of making decisions and managing in a manner consistent with the mission of the South Bend Police Department. To accomplish this, a Lieutenant shall be designated as the Shift Supervisor for each shift.

### 422.3 DESIGNATION AS ACTING SHIFT SUPERVISOR

With prior authorization from the Patrol Division Chief, generally when a Lieutenant is unavailable for duty as Shift Supervisor, a qualified lower-ranking member (generally the most senior sergeant) shall be designated as acting Shift Supervisor in accordance with the terms of applicable collective bargaining agreements and the Temporary Supervisors subsection of the Supervision Staffing Levels Policy.

### 422.4 SHIFT SUPERVISOR RESPONSIBILITIES

The Shift Supervisor shall have overall responsibility and accountability for the operation of this department on an assigned shift. Duties may include, but are not limited to:

- (a) Ensuring at least one uniformed patrol supervisor is deployed during each shift, in addition to the Shift Supervisor.
- (b) Ensuring sufficient members are on-duty to accomplish the mission of the South Bend Police Department.
- (c) Providing command-level oversight of major crime scenes, tactical situations or disasters.
- (d) Establishing service-level priorities.
- (e) Providing job-related training and guidance to subordinates.
- (f) Acquiring outside resources or providing assistance to other agencies, when applicable.
- (g) Handling service inquiries or complaints from the public.
- (h) Acting as the Public Information Officer when appropriate.
- (i) Managing risk exposure.
- (j) Ensuring the security of all department facilities.
- (k) Ensuring the proper equipment and vehicles are available for member use.

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- (l) Representing the Department at community functions.

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## Mobile Data Terminal Use

### 423.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Terminal (MDT) system in order to ensure proper access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and Communication Center.

### 423.2 POLICY

South Bend 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.

### 423.3 PRIVACY EXPECTATION

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

### 423.4 RESTRICTED ACCESS AND USE

MDT use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDT system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDT by another member to their supervisors or Shift 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.

#### 423.4.1 USE WHILE DRIVING

Use of the MDT by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages

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that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

#### **423.5 DOCUMENTATION OF ACTIVITY**

Except as otherwise directed by the Shift Supervisor or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MDT unless security or confidentiality prevents such broadcasting.

MDT and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDT.

#### **423.5.1 STATUS CHANGES**

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDT system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDT.

#### **423.6 EQUIPMENT CONSIDERATIONS**

##### **423.6.1 NON-FUNCTIONING MDT**

If a member's MDT is not working, they shall notify the Shift Supervisor and the Communication Center. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

##### **423.6.2 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.

# Mobile and Portable Audio/Video Recorders (includes Body Worn Devices)

## 424.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of audio/video recording devices by members of this department while in the performance of their duties. Audio/video recording devices include all recording systems whether body-worn, hand-held or integrated into portable equipment, such as the MVR system. This policy does not apply to audio/video recordings, interviews or interrogations conducted at any South Bend Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

## 424.2 POLICY

The South Bend Police Department may provide members with access to mobile/portable recorders, either audio, video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department and provide mutual accountability by accurately capturing contacts between members of the Department and the public.

## 424.3 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time, and all recordings made while acting in an official capacity of this department, regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

## 424.4 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.
- (e) Coordinating with the Director of Records to obscure information captured in recordings consistent with I.C. § 5-14-3-5.2.

## 424.5 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a mobile/portable recorder, issued by the Department, and that the recorder is in good working order. If the recorder is not in working order or malfunctions at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as

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### *Mobile and Portable Audio/Video Recorders (includes Body Worn Devices)*

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soon as practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever possible.

Any member assigned to a non-uniformed position may carry an approved mobile/portable recorder at any time the member believes that such a device may be useful.

When using a recorder, the assigned member shall ensure the proper functioning of the device, recording his/her name, SBPD identification number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

Members shall document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member de-activated the recording. Members shall include the reason for de-activation.

#### **424.6 ACTIVATION OF THE RECORDER**

This policy is not intended to describe every possible situation in which the recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The recorder shall be activated in any of the following situations:

- (a) All enforcement and investigative contacts including stops and field interview situations (including assisting/back-up officers)
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops (including assisting/back-up officers)
- (c) Self-initiated activity in which an officer would or should normally notify Communication 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 and respectful to the dignity of all individuals being recorded and exercise sound discretion to respecting privacy by discontinuing recording whenever it reasonably appears that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. 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.

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### *Mobile and Portable Audio/Video Recorders (includes Body Worn Devices)*

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#### 424.6.1 SURREPTITIOUS USE OF THE AUDIO/VIDEO RECORDER

Indiana law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission (I.C. § 35-31.5-2-176; I.C. § 35-33.5-2-1 et seq.).

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 or when lawfully authorized by the Chief of Police or the authorized designee.

#### 424.6.2 CESSATION OF RECORDING

Once activated, the portable recorder shall remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer meets 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.

Before a member may deactivate his/her recording device, he/she must state orally into the recording device the reason for the deactivation in order to document the reason(s) for discontinuing the recording.

#### 424.6.3 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could potentially trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

### **424.7 PROHIBITED USE OF PORTABLE RECORDERS**

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in an official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Shift Supervisor. Any member who uses a personally owned recorder for department-related activities shall comply with all provisions of this policy, including retention and release requirements, and shall notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.



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### *Mobile and Portable Audio/Video Recorders (includes Body Worn Devices)*

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#### **424.8 IDENTIFICATION AND PRESERVATION OF RECORDINGS**

To assist with identifying and preserving data and recordings, members shall download, tag or mark these in accordance with procedure and training, and document the existence of the recording in any related case report.

A member shall transfer, tag or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
- (b) A complainant, victim or witness has requested non-disclosure.
- (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental information is contained.
- (f) Disclosure may compromise an undercover officer or confidential informant.
- (g) The recording or portions of may be protected under the Public Records Act (I.C. § 5-14-3-4).
- (h) As directed by the Chief of Police and/or designee (e.g., mandated use in all public interactions).
- (i) Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., hostile contact), the member should promptly notify a supervisor of the existence of the recording.

#### **424.8.1 RETENTION REQUIREMENTS FOR RECORDINGS PURSUANT TO A WARRANT**

All recordings made pursuant to a warrant, shall immediately be sealed upon the expiration of the warrant. The recordings shall be retained for a period of not less than 10 years. Recordings made pursuant to a warrant may only be destroyed pursuant to an order of court (I.C. § 35-33.5-5-2).

#### **424.9 REVIEW OF RECORDED MEDIA FILES**

When preparing reports or statements, members should review their recordings as a resource. However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing a member's performance.

Recorded files may also be reviewed:

- (a) Upon Chief's approval, 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.

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### *Mobile and Portable Audio/Video Recorders (includes Body Worn Devices)*

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- (c) Upon Chief's approval to ensure policy compliance or randomly to ensure policy compliance and performance.
- (d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All video recordings should be reviewed by the Custodian of Records and the City Legal Department prior to public release (see the Records Maintenance and Release Policy). Video that unreasonably violates a person's privacy or sense of dignity or is otherwise prohibited by I.C. § 5-14-3-5.2(a) or I.C. § 5-14-3-5.2(e) should not be publicly released unless disclosure is required by law or order of the court.

#### 423.9(a) SUPERVISORY PERIODIC AUDITS

At a minimum, each month, sergeants must select a random sample of at least five (5) videos of those they supervise. Sergeants shall equally review all supervisees, and, by the end of the year, sergeants will have reviewed at least 15 minutes of footage for each supervisee at least three (3) times as a part of their monthly rotational review. Sergeants will confirm that the video account of the incident matches the officer's written report of the incident. Sergeants shall submit an officer's report to the lieutenant containing the positive and negative observations in each video. The primary purpose of the audits will be for safety and tactics review/training purposes and to ensure adherence to departmental guidelines.

Lieutenants will ensure sergeants are completing the appropriate reviews of member videos.

Lieutenants shall also bring discrepancies between the video recordings and any written report to the Captain's attention.

#### **424.10 RETENTION OF RECORDINGS**

Members should transfer the recording, in accordance with current procedure for storing recordings, at the end of their shift and any time the storage capacity is nearing its limit.

All recordings shall be retained in an unaltered and unobscured condition for at least 190 days. Recordings shall be retained for longer periods as follows (I.C. § 5-14-3-5.3):

- (a) As provided in I.C. § 5-14-3-5.1 for at least two years upon written request:
  - 1. Of a person who is depicted or whose property is depicted in the recording.
  - 2. Of a victim.
- (b) For at least two years if a formal or informal complaint is filed regarding a law enforcement activity as provided in I.C. § 5-14-3-2(j).
- (c) Until the final disposition of all appeals and an order from the court if a recording is used in a criminal, civil or administrative proceeding.

The South Bend Police Department may retain a recording for training purposes for any length of time (I.C. § 5-14-3-5.3).

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## *Mobile and Portable Audio/Video Recorders (includes Body Worn Devices)*

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### 424.10.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

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## Public Recording of Law Enforcement Activity

### 425.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

### 425.2 POLICY

The South Bend 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.

### 425.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
  - 1. Tampering with a witness or suspect.
  - 2. Inciting others to violate the law.
  - 3. Being so close to the activity as to present a clear safety hazard to the officers.
  - 4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the officer, him/herself or others.

### 425.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For 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.

# South Bend Police Department

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### *Public Recording of Law Enforcement Activity*

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If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

#### **425.5 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior.
- (c) When practicable, allow adequate time for individuals to respond to officer requests for the individual to change location or behavior. When practicable, the encounter should be recorded.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of department members, such as how and where to file a complaint.

#### **425.6 SEIZING RECORDINGS AS EVIDENCE**

Officers should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
  - 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

## Bicycle Patrol

### 426.1 PURPOSE AND SCOPE

This policy establishes guidelines for the South Bend Police Department to safely and effectively use bicycle patrol for the purpose of enhancing field patrol efforts in the community.

### 426.2 POLICY

It is the policy of the South Bend Police Department that patrol bicycles may be used for regular or directed patrol duty, traffic enforcement, parking control, or special assignments or events. The use of the patrol bicycle will emphasize officer mobility and department visibility in the community.

### 426.3 OPERATIONS

Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas, and the quiet operation of the patrol bicycle can facilitate a tactical approach to crimes in progress. Patrol bicycles may be deployed to any area, at any hour of the day or night, according to department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the bicycle patrol coordinator or the Shift Supervisor.

### 426.4 OFFICER RESPONSIBILITIES

Officers should operate the bicycle in compliance with the Indiana Motor Vehicle Code under normal operation, unless their duties require otherwise (I.C. § 9-21-11-11).

Officers may operate the bicycle without lighting equipment during hours of darkness only when it reasonably appears necessary for officer safety or tactical considerations. Officers must use caution and care when operating bicycles without lighting equipment or when they are operating in violation of the rules of the road.

Officers are exempt from the rules of the road under the following conditions (I.C. § 9-21-1-8):

- (a) In response to an emergency call
- (b) While engaged in rescue operations
- (c) In the immediate pursuit of an actual or suspected violator of the law

### 426.5 BICYCLE PATROL COORDINATOR

The Chief of Police shall delegate certain responsibilities to a bicycle patrol coordinator. The coordinator shall be appointed by and directly responsible to the Patrol Division Chief or the authorized designee.

The coordinator may appoint a senior bicycle patrol officer or other designee to assist in the coordination of bicycle patrol officers and their activities.

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

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### *Bicycle Patrol*

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- (a) Organizing bicycle patrol training.
- (b) Inspecting and maintaining an inventory of patrol bicycles and program equipment.
- (c) Inspecting and documenting that bicycles which are not in active service are in serviceable condition.
- (d) Scheduling maintenance and repairs.
- (e) Coordinating activities with the Patrol Division.
- (f) Other activities as required to maintain the efficient operation of bicycle patrol.

#### **426.6 PATROL BICYCLE**

Every patrol bicycle shall be equipped with:

- (a) A front headlight, rear light and rear reflector (I.C. § 9-21-11-9).
- (b) An audible alert device.
- (c) A steady or flashing red warning light that is visible from the rear of the bicycle.
- (d) A rear rack and/or gear bag sufficient to carry all necessary equipment to handle routine patrol calls.

Patrol bicycles shall be properly secured when not in the officer's immediate presence.

##### **426.6.1 TRANSPORTING THE PATROL BICYCLE**

The patrol bicycle should be transported using a vehicle bicycle rack. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a law enforcement vehicle push-bumper is discouraged.

##### **426.6.2 MAINTENANCE**

- (a) Bicycle patrol officers shall conduct an inspection of the patrol bicycle and equipment prior to use to ensure proper working order of the equipment.
- (b) Officers shall not modify the patrol bicycle or remove, modify or add components to the patrol bicycle except with the express approval of the bicycle patrol coordinator, or in the event of an emergency.
- (c) If a needed repair is beyond the ability of the bicycle patrol officer, an officer's report or email should be sent to the coordinator requesting repairs.
- (d) At the end of a patrol bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

#### **426.7 UNIFORMS AND EQUIPMENT**

Officers shall wear uniforms and safety equipment in accordance with the Uniforms and Civilian Attire Policy.

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The uniform consists of the department-approved uniform shirt, with South Bend Police Department badge and patches, and department-approved patrol pants or shorts. Optional attire may include, but is not limited to, a jacket in colder weather and turtleneck shirts or sweaters when worn under the uniform shirt.

Bicycle patrol officers shall carry the same equipment on their duty belts as they would on regular patrol assignments. Assignment-specific safety equipment should include, but is not limited to, department-approved helmet, a radio and approved footwear.

Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.



## Automated License Plate Readers (ALPRs)

### 427.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

### 427.2 POLICY

The policy of the South Bend Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

### 427.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition or License Plate Reader (LPR), allows for the automated detection of license plates. It is used by the South Bend Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Operations Section Captain. The Operations Section Captain will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

### 427.4 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department members 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 law enforcement business.
- (b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an 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 vehicles to canvass areas around 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.

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### *Automated License Plate Readers (ALPRs)*

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- (e) No ALPR operator may access confidential department, state or federal data unless authorized to do so.
- (f) If practicable, the officer should verify an ALPR response through the appropriate official law enforcement database before taking enforcement action that is based solely on an ALPR alert.

#### **427.5 DATA COLLECTION AND RETENTION**

The Operations Section Captain is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

All stored ALPR data should be retained in accordance with the established 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 discovery request or other lawful action to produce records. In those circumstances, the applicable data should be downloaded onto portable media and booked into evidence.

#### **427.6 ACCOUNTABILITY**

All data will be closely safeguarded and protected by both procedural and technological means. The South Bend Police Department will observe the following safeguards regarding access to and use of stored data:

- (a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.
- (b) Members 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.
- (c) ALPR system audits should be conducted on a regular basis.

#### **427.7 RELEASING ALPR DATA**

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

- (a) The agency makes a written request for the ALPR data that includes:
  1. The name of the agency.
  2. The name of the person requesting.
  3. The intended purpose of obtaining the information.

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### *Automated License Plate Readers (ALPRs)*

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- (b) The request is reviewed by the Operations Section Captain or the authorized designee and approved before the request is fulfilled.
- (c) The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy.

## Homeless Persons

### 428.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that department members understand the needs and rights of the homeless, and to establish procedures to guide them during all contacts with the homeless, whether consensual or for enforcement purposes.

This policy details the need for special protection and services for homeless persons.

### 428.2 POLICY

It is the policy of the South Bend Police Department to protect the rights, dignity and private property of all members of the community, including people who are homeless. Abuse of authority to harass any member of the community will not be permitted. The South Bend Police Department will address the needs of homeless persons in balance with the overall mission of this department.

Homelessness is not a crime and members will not use homelessness as the sole basis for detention or law enforcement action.

### 428.3 FIELD CONTACTS

Officers are encouraged to contact a homeless person to render aid, offer assistance or to check on the person's welfare. Officers also will take enforcement action when information supports a reasonable and articulable suspicion of criminal activity. However, such contacts shall not be used for harassment.

#### 428.3.1 CONSIDERATIONS

A homeless person will receive the same level and quality of service provided to other members of the community. The fact that a victim, witness or suspect is homeless can, however, require special consideration for a successful investigation and prosecution. When handling investigations involving victims, witnesses or suspects who are homeless, officers should consider:

- (a) Documenting alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.
- (b) Documenting locations the person may frequent.
- (c) Providing victim/witness resources, when appropriate.
- (d) Obtaining sufficient statements from all available witnesses in the event that a victim cannot be located and is unavailable for a court appearance.
- (e) Whether a crime should be reported and submitted for prosecution, even when a victim who is homeless indicates that he/she does not desire prosecution.
- (f) Whether the person may be an adult abuse victim, and if so, proceed in accordance with the Adult Abuse Policy.

## *Homeless Persons*

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### **428.4 MENTAL HEALTH ISSUES**

When mental health issues are evident, officers should consider referring the person to the appropriate mental health agency or providing the person with contact information for mental health assistance, as appropriate. In these circumstances, officers may provide transportation to a mental health facility for voluntary evaluation if it is requested or offered and accepted by the person. Officers should consider detaining the person under involuntary commitment or emergency admission when facts and circumstances reasonably indicate such a detention is warranted (see the Involuntary Detentions Policy).

### **428.5 PERSONAL PROPERTY**

The personal property of homeless persons must not be treated differently than the property of other members of the community. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the Department of Code Enforcement.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the Department of Code Enforcement if such property appears to involve a trespass, is a blight to the community or is the subject of a complaint. It will be the responsibility of the Department of Code Enforcement to address the matter in a timely fashion.

### **428.6 ECOLOGICAL ISSUES**

Sometimes homeless encampments can have an impact on the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or City departments when a significant impact to the environment has or is likely to occur. A significant impact to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

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## Medical Aid and Response

### 429.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

### 429.2 POLICY

It is the policy of the South Bend Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

Whenever practicable, members should provide medical aid, 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 care and when the member can safely do so.

### 429.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an 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 Communication 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 Communication 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.

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### *Medical Aid and Response*

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Members should not direct EMS personnel whether to transport the person for treatment.

#### **429.4 TRANSPORTING ILL AND INJURED PERSONS**

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

#### **429.5 PERSONS REFUSING EMS CARE**

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive medical care or be transported.

However, members may assist EMS personnel when EMS personnel determine the person lacks the mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should proceed with an involuntary commitment in accordance with the Involuntary Detentions 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.

#### **429.6 MEDICAL ATTENTION RELATED TO USE OF FORCE**

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Conducted Energy Device policies.

#### **429.7 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE**

The South Bend Police Department should train selected members on the operation of the AED.

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### *Medical Aid and Response*

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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, given to the Logistics Director and repaired by a manufacturer-approved provider (I.C. § 16-31-6.5-4).

Any member using an AED will complete an incident report detailing its use.

Following use of an AED:

- (a) The member shall notify an ambulance service provider or a fire department that provides ambulance services as soon as practicable (I.C. § 16-31-6.5-6).
- (b) The device shall be cleaned and/or decontaminated as required.
- (c) The electrodes and/or pads will be replaced as outlined by the AED manufacturer.

The Logistics Director is responsible for maintenance tasks according to procedures outlined by the manufacturer. The Logistics Director will maintain records of all maintenance work on each device and retain those records in accordance with the established records retention schedule.

#### 429.7.1 AED REPORTING

Any member using an AED will complete an SBPD AED Use Form detailing its use.

#### 429.7.2 AED TRAINING AND MAINTENANCE

The Training Commander should ensure appropriate training is provided to members authorized to use an AED.

The Logistics Director is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule (I.C. § 16-31-6.5-4).

The South Bend Police Department shall notify the ambulance provider that provides emergency services to the City or the Indiana Emergency Medical Services Commission of the location of AEDs maintained by the Department (I.C. § 16-31-6.5-5).

#### 429.7.3 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 Logistics Director who is responsible for ensuring appropriate maintenance (I.C. § 16-31-6.5-4).

Following use of an AED:

- (a) The device shall be cleaned and/or decontaminated as required.
- (b) The electrodes and/or pads will be replaced as outlined by the AED manufacturer.

Any member who uses an AED should contact Communication Center as soon as possible and request response by EMS (I.C. § 16-31-6.5-6).



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### *Medical Aid and Response*

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#### **429.8 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION**

An officer who has received training may administer opioid overdose medication in accordance with standards established by the Indiana Emergency Medical Services Commission (I.C. § 16-31-3-23.5).

##### **429.8.1 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 Support Division Captain.

##### **429.8.2 OPIOID OVERDOSE MEDICATION REPORTING**

Any member administering opioid overdose medication should detail its use in an appropriate report.

Any administration of this medication shall be reported to the Indiana State Department of Health pursuant to I.C. § 16-31-3-23.7.

#### **429.9 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.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

#### **429.10 FIRST AID TRAINING**

Subject to available resources, the Training Commander should ensure officers receive periodic first aid training appropriate for their position.

# First Amendment Assemblies

## 430.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

## 430.2 POLICY

The South Bend 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.

## 430.3 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:

- Obstruction of traffic (I.C. § 35-44.1-2-13)
- Trespass (I.C. § 35-43-2-2)
- Noise (I.C. § 35-45-1-3)
- Picketing
- Unlawful Assembly (I.C. § 16-41-22-1 et seq.)
- Distribution of handbills and leafleting
- Loitering
- Rioting (I.C. § 35-45-1-2)
- Disruptive conduct at funerals or memorial services (I.C. § 35-45-1-3)
- Disorderly conduct (I.C. § 35-45-1-3)
- Control of mass gatherings (I.C. § 16-41-22-1 et seq.)
- Flag desecration (I.C. § 35-45-1-4)
- Unlawful promotion, organization or participation in combative fighting (I.C. § 35-45-18-2; I.C. 35-45-18-3)
- Obstruction of a firefighter (I.C. § 35-44.1-4-8)
- Obstruction of an emergency medical person (I.C. § 35-44.1-4-9)
- Resisting law enforcement (I.C. § 35-44.1-3-1)

However, officers shall not take action or fail to take action based on the opinions being expressed.

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### *First Amendment Assemblies*

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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:

- Engage in assembly or demonstration-related discussion with participants.
- Harass, confront or intimidate participants.
- 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.

#### **430.3.1 PHOTOGRAPHS, VIDEO RECORDINGS AND OTHER INFORMATION**

Photographs, video recordings and other information may be collected at assemblies and demonstrations as they can serve a number of purposes, such as support of criminal prosecutions, assistance in evaluating department performance, serving as training material, recording the use of dispersal orders and facilitating a response to allegations of improper law enforcement conduct.

Photographs, video recordings and other information shall not be maintained on the political, religious or social activities, views or associations of any individual, group or organization unless those activities, views or associations directly relate to an investigation of criminal activity and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

#### **430.4 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)

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- 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 Communication 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.

#### **430.5 PLANNED EVENT PREPARATION**

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

##### **430.5.1 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.
- 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 the race, ethnicity, national origin or religion of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

##### **430.5.2 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.

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- (d) Designation of uniform of the day and related safety equipment (helmets, shields, etc.).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multijurisdictional event.
- (g) An established liaison with demonstration leaders and external agencies.
- (h) An established liaison with City government and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- (k) Traffic management plans.
- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.
- (p) Arrest protocol, including management of mass arrests.
- (q) Protocol for recording information flow and decisions.
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
- (s) Protocol for handling complaints during the event.
- (t) Parameters for the use of body-worn cameras and other portable recording devices.

#### 430.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

#### 430.5.4 MASS GATHERING LICENSE

Any event that is likely to attract 5,000 or more people and continue for more than 18 consecutive hours requires a license. Applicants for such a license shall be submitted to the Chief of Police (I.C. § 16-41-22-5).

The Chief of Police shall forward the application with recommendations to the health department on the same day the application is received. Upon return of the application from the health department the Chief of Police shall notify the applicant within five days that the application has been disapproved by the health department or whether the Chief of Police will issue the license (I.C. § 16-41-22-12).

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#### **430.6 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.

#### **430.7 USE OF FORCE**

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and Conducted Energy Weapon Systems 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 the Conducted Energy Device policies).

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report or form. The type of report required may depend on the nature of the incident.

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#### **430.8 ARRESTS**

The South Bend 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 Summons Release Policy).

#### **430.9 MEDIA RELATIONS**

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media, to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

#### **430.10 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 forms, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

#### **430.11 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

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- (d) Vehicle, fuel, equipment and supply records
- (e) Incident, arrest, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, Communication Center records/tapes
- (g) Media accounts (print and broadcast media)

#### 430.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used, to include:

- (a) Date, time and description of the event
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests, costs)
- (c) Problems identified
- (d) Significant events
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.



# Suspicious Activity Reporting

## 431.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

### 431.1.1 DEFINITIONS

Definitions related to this policy include:

**Involved party** - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

**Suspicious activity** - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Race, ethnicity, national origin or religious affiliation should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include, but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

**Suspicious Activity Report (SAR)** - A report (e.g., CIB, Code 2) used to document suspicious activity.

## 431.2 POLICY

The South Bend Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism, and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

## 431.3 RESPONSIBILITIES

The Investigative Bureau Division Chief and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations policy.

The responsibilities of the Investigative Bureau Division Chief include, but are not limited to:

- (a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.

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- (b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
- (c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.
- (d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.
- (e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.
- (f) Coordinating investigative follow-up, if appropriate.
- (g) Coordinating with any appropriate agency or fusion center.
- (h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

#### **431.4 REPORTING AND INVESTIGATION**

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any civilian member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

#### **431.5 HANDLING INFORMATION**

The Records Bureau will forward copies of SARs, in a timely manner, to the following:

- Investigative Bureau supervisor
- The Crime Analysis unit
- Other authorized designees

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## Civil Disputes

### 432.1 PURPOSE AND SCOPE

This policy provides members of the South Bend 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 or Family 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 Indiana law.

### 432.2 POLICY

The South Bend Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

### 432.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to 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.
- (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.

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### **432.4 COURT ORDERS**

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document 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 prosecutor's office. The report should also be forwarded to the court issuing the order, if known, with a notice that the report was also forwarded to the prosecutor for review.

#### **432.4.1 STANDBY REQUESTS**

Officers responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

### **432.5 VEHICLES AND PERSONAL PROPERTY**

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

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#### **432.6 REAL PROPERTY**

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

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## School Resource Officers

### 433.1 PURPOSE AND SCOPE

This policy describes the South Bend Police Department School Resource Officer (SRO) program.

### 433.2 POLICY

The South Bend Police Department is committed to enhancing the safety of students, faculty, and visitors on campuses located in the department's jurisdiction by forming a partnership with the local school corporation.

### 433.3 SCHOOL RESOURCE OFFICER PROGRAM

The Chief of Police, or designee, should appoint SRO(s) to serve in public middle schools and high schools upon agreement with local school corporations or charter schools. The agreement should cover paid services, where applicable. The agreement should also include the SRO's duties and responsibilities as outlined below (I.C. § 20-26-18.2-2).

The goals and objectives of the SRO program include, but are not limited to (I.C. § 20-26-18.2-1):

- (a) Maintain collaborative efforts to provide safe schools and a safe learning environment for staff, faculty, students, and visitors
- (b) Promote community policing and build positive working relationships to assist in student development and prevent students from entering the juvenile justice system
- (c) Maintain a safe and secure environment on a school campus which will be conducive to learning
- (d) Raise students' awareness regarding the role of laws, courts, and police in society
- (e) Assist and share information concerning problems and issues affecting the schools and students
- (f) Foster effective problem solving and liaising with neighborhoods surrounding a school which are affected negatively by the conduct of students, or vice versa
- (g) Assisting with the development and implementation of a school safety plan (I.C. § 20-40-20)
- (h) Protecting the school against outside (external or internal) threats to the physical safety of the students, preventing unauthorized access to school property, and securing the school against a natural disaster or other violence.

### 433.4 SCHOOL RESOURCE OFFICER DUTIES

The Chief of Police or the authorized designee should appoint members as SROs, after review of recommendations from a joint committee composed of representatives of the Police Department and South Bend Community School Corporation.

SROs duties and responsibilities may include:

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1. Be a visible, active law enforcement figure on campus dealing with law enforcement matters originating on campus and take appropriate action under the authority of law against intruders and/or unwanted persons who are on school property.
2. Enforce federal, state and local criminal laws and ordinances. Violations of school rules and policies are usually non-criminal matters processed through the South Bend Community School Corporation for disciplinary action.
3. When law enforcement action is taken on school property, as soon as possible, informs the principal and/or school administration of action(s) taken.
4. The SRO will not be responsible or required for instituting or enforcing school disciplinary measures. However, the SRO may address potential disruptions that would, if ignored, place students, employees or others at risk of harm. The SRO may also, from time-to-time, remind students of school rules and enforce school rules. If the school principal or designee believes that in a given situation or incident, there is a law violation, the principal or designee may request SRO involvement.
5. Implement proactive methods of the School Resource Officer program policing: reporting procedures, police reports, arrests, intervention and responding to calls on the school campus. Gather information and a deeper understanding of violent crime, gang activity, and other crimes occurring on campus and/or in the surrounding neighborhoods.
6. Report and investigate all crimes originating on campus. Information on cases that are worked off-campus by law enforcement or other agencies involving students shall be provided to the SRO. Assist and initiate reports: be assigned, investigate and follow up all crimes that occur on the campus of their assigned school(s) or that may involve juveniles of their assigned school. In the course of their investigations, SROs may have to leave school campus.
7. Work with school administration to develop plans and strategies to prevent and/or minimize dangerous situations that might result in student unrest and/or impact student welfare.
8. Assist the SBCSC with the development and implementation of a school safety plan that protects against outside (external or internal) threats to the physical safety of students, prevents unauthorized access to school property, and secures schools against violence and natural disasters.
9. Serve as a classroom resource for law education or other educational programs designed to reduce crime, drug abuse, or violence using approved materials. Instruct specialized short-term programs when invited to do so by the principal or faculty member.
10. Be a resource for students which shall enable them to be associated with a law enforcement figure and role model in the students' environment.
11. Be a resource for teachers, parents and students for conferences on an individual basis dealing with individual problems or questions, particularly, but not limitedly to, the area of substance control.

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12. Be familiar with helpful community agencies, such as mental health clinics, drug treatment centers, etc. that offer assistance to dependency and delinquency prone youth and their families.
13. Provide school-wide crime prevention presentations upon request.
14. Make appearances before parent groups and other groups associated with the SBCSC and as a speaker on a variety of requested topics, particularly drug and alcohol abuse.
15. Share information with principal about persons and conditions that pertain to campus safety concerns.
16. Serve as a liaison between the SBCSC and the Police Department regarding data and information sharing.
17. Coordinate his/her SRO related activities with the principal and seek permission, guidance and advice prior to enacting any programs within the school.
18. Be a resource to assist with coordinating security for special school events and functions outside of regular school hours.
19. Be a resource to assist with traffic control or coordination of traffic control during the arrival and departure of students as deemed prudent by school officials and/or the Police Department.
20. Assist administrators, teachers, and security staff with supervisory and monitoring duties in and around the school building. SROs shall not by any means be considered as security guards and shall not be used in that capacity. SROs enhances your staff's presence with their expertise in the knowledge and enforcement of criminal law.
21. Attempt to reduce juvenile crime by counseling, teaching about the criminal justice system and projecting a personal interest in your student body.
22. While it is understood that personal necessity, or Police Department requirements may result in the School Resource Officer being absent from their school assignment on any given day at any given time, School Resource Officers are expected to be at their schools daily. They are expected to be punctual and to remain at their assigned school(s) until the appropriate dismissal time.

#### **433.4.1 CHAIN OF COMMAND**

Officers should follow their assigned department chain of command during investigations of criminal activity. Assigned activities that are not criminal in nature may be overseen or directed by the school principal or the authorized designee or as otherwise provided in the agreement for services.

#### **433.5 SCHOOL RESOURCE OFFICER QUALIFICATIONS**

Officers appointed as SROs should be selected using criteria that includes, but is not limited to:



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- (a) The ability of the appointee to foster an optimal learning environment and educational community.
- (b) Whether the candidate has specialized training in:
  - 1. accepted ethical standards for SROs in order to build mutual respect and trust among the SRO, students, parents and school staff;
  - 2. strategies for SROs to be appropriately proactive and reactive when interacting with students with disabilities;
  - 3. tools to become a more effective mentor and strategies to foster vital, informal mentoring relationships;
  - 4. tools to address incidents that originate or intersect on social media, including appropriate mentoring of a student negatively impacted by social media;
  - 5. the complex interaction between intellectual and emotional development during the time of adolescence;
  - 6. the impact of trauma on child development, including:
    - (a) the nature of traumatic stress;
    - (b) the impact of traumatic stress on the brain;
    - (c) the behavioral and emotional effects of trauma in childhood and adolescence;
    - (d) recognizing the outward signs of a student exhibiting effects of traumatic stress; and
    - (e) the correlation between Adverse Childhood Experiences (ACE) and the role of the SRO as informal mentor in managing a challenging student's ACEs behavior;
  - 7. resources to assist SROs in their role in anti-sex trafficking efforts;resources to assist SROs in their role in anti-sex trafficking efforts;
  - 8. school law;
  - 9. awareness and recognition of biases within the SRO that can be a barrier to successful and trusted relationships with diverse school populations;
  - 10. knowledge about the effects of youth trends and drugs on the school culture and environment;
  - 11. threat-assessment practices;
  - 12. school safety and emergency-operations planning; and
  - 13. applying Crime Prevention Through Environmental Design principles to school campuses.

The selection should not be based solely on seniority. The performance of SROs should be reviewed annually by the school district superintendent and the Chief of Police or the authorized designee, with feedback from the School Superintendent, or their designee.

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#### **433.6 TRAINING**

Prior to assignment, or within the first six months within assignment, as an SRO, officers shall complete required SRO training through the Indiana Law Enforcement Training Board, the National Association of School Resource Officers or another school resource officer training program approved by the Indiana Law Enforcement Training Board (I.C. § 20-26-18.2-1).

## Chapter 5 - Traffic Operations

## Traffic

### 500.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for improving public safety through education and enforcement of traffic-related laws.

### 500.2 POLICY

It is the policy of the South Bend Police Department to educate the public on traffic-related issues and to enforce traffic laws. The efforts of the Department will be driven by such factors as the location and/or number of traffic crashes based on citizen complaints, traffic volume, traffic conditions and other traffic-related needs. The ultimate goal of traffic law enforcement and education is to increase public safety.

### 500.3 DEPLOYMENT

Enforcement efforts may include such techniques as geographic/temporal assignment of department members and equipment, the establishment of preventive patrols to deal with specific categories of unlawful driving and a variety of educational activities. These activities should incorporate methods that are suitable to the situation; timed to events, seasons, past traffic problems or locations; and, whenever practicable, preceded by enforcement activities.

Several factors will be considered in the development of deployment schedules for department members. State and local data on traffic crashes are a valuable resource. Factors for analysis include, but are not limited to, the following:

- Location
- Time
- Day
- Violation factors
- Requests from the public
- Construction zones
- School zones
- Special events

Department members assigned to uniformed patrol or traffic enforcement functions will emphasize the enforcement of violations that contribute to traffic crashes, and also will consider the hours and locations where traffic crashes tend to occur. Members will take directed enforcement action on request, and random enforcement action when appropriate. Members shall maintain high visibility while working general enforcement, especially in areas where traffic crashes frequently occur.

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#### **500.4 ENFORCEMENT**

Traffic enforcement will be consistent with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas. The number of arrests or summons issued by any member shall not be used as the sole criterion for evaluating member overall performance (I.C. § 9-30-2-3).

Several methods are effective in the reduction of traffic crashes including but not limited to:

##### **500.4.1 WARNINGS**

Warnings are a non-punitive option that may be considered by the member when circumstances warrant, such as when a minor violation was inadvertent.

##### **500.4.2 TRAFFIC INFORMATION AND SUMMONS**

Traffic information and summons should be issued when a member believes it is appropriate. When issuing a summons for a traffic violation, it is essential that the rights and requirements imposed on motorists be fully explained. At a minimum, motorists should be provided with (I.C. § 9-30-3-6):

- (a) An explanation of the violation or charge.
- (b) The court appearance procedure, including the optional or mandatory appearance by the motorist.
- (c) A notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

##### **500.4.3 PHYSICAL ARREST**

Physical arrest can be made on a number of criminal traffic offenses. These cases usually deal with, but are not limited to:

- (a) Accidents resulting in death (I.C. § 9-26-1-1.1).
- (b) Felony or misdemeanor hit-and-run (I.C. § 9-26-1-1.1).
- (c) Felony and misdemeanor driving under the influence of alcohol or drugs (I.C. § 9-30-5-1 et. seq.).
- (d) Refusal to sign a notice to appear (I.C. § 9-30-2-4).

#### **500.5 SUSPENDED OR REVOKED LICENSES**

If an officer contacts a traffic violator who is also driving on a suspended or revoked license, the officer should issue a traffic information and summons or make an arrest as appropriate (I.C. § 9-30-4-8).

#### **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

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by passing traffic or will be maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; I.C. § 22-8-1.1-2).

#### 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 when increased visibility would improve the safety of the department member or when the member will be exposed to the hazards of passing traffic, maneuvering or operating vehicles, machinery and equipment (I.C. § 22-8-1.1-2).

Examples of when high-visibility vests should be worn include traffic control duties, traffic crash investigations, lane closures and disaster scenes.

When emergency conditions preclude the immediate donning of the vest, members should retrieve and wear the vest as soon as conditions reasonably permit.

Use of the vests shall also be mandatory when directed by a supervisor.

#### 500.6.2 CARE AND STORAGE

High-visibility vests shall be maintained and readily available. Each vest should be stored out of direct sunlight to avoid deterioration. Before going into service, each member shall ensure that a serviceable high-visibility vest is properly stored.

A supply of high-visibility vests will be maintained and made available for replacement of damaged or unserviceable vests. The Services Division Captain should be promptly notified whenever the supply of vests needs replenishing.

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## Traffic Crashes

### 501.1 PURPOSE AND SCOPE

This policy provides guidelines for responding to and investigating traffic crashes.

#### 501.1.1 REFERENCE

Specific procedures regarding vehicle towing are contained in the Vehicle Towing Procedure.

### 501.2 POLICY

It is the policy of the South Bend Police Department to respond to traffic crashes and render or summon aid to injured victims as needed. The Department will investigate and prepare reports according to the established minimum reporting requirements with the goal of reducing the occurrence of crashes by attempting to identify the cause of the crash and through enforcing applicable laws. Unless restricted by law, traffic crash reports will be made available to the public upon request.

### 501.3 RESPONSE

Upon arriving at the scene, the responding member should assess the need for additional resources and summon assistance as appropriate. Generally, the member initially dispatched to the scene will be responsible for the investigation and report, if required, unless responsibility is reassigned by a supervisor.

A supervisor should be called to the scene when the incident:

- (a) Is within the jurisdiction of this department and there is:
  - (a) A life-threatening injury.
  - (b) A fatality.
  - (c) A City vehicle involved.
  - (d) Involvement of an on- or off-duty member of this department.
- (b) Is within another jurisdiction and there is:
  - 1. A City of South Bend vehicle involved.
  - 2. Involvement of an on-duty member of this department.

#### 501.3.1 MEMBER RESPONSIBILITIES

Upon arriving at the scene, the responding member should consider and appropriately address:

- (a) Proper placement of emergency vehicles and traffic control devices (cones, roadway flares or other devices) if available to provide protection for members, the public and the scene.
- (b) Traffic direction and control
- (c) First aid for any injured parties if it can be done safely.
- (d) The potential for involvement of hazardous materials.

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- (e) The need for additional support as necessary (e.g., traffic control, fire department, hazardous materials response, tow vehicles).
- (f) Clearance and cleanup of the roadway.

#### **501.4 NOTIFICATION**

If a traffic crash involves a life-threatening injury or fatality, the responding officer shall notify a supervisor or, if unavailable, the Shift Supervisor. The Shift Supervisor or any supervisor may assign a traffic investigator or other appropriate personnel to investigate the incident. The Shift Supervisor will ensure notification is made to the on-call traffic duty officer or designee.

##### **501.4.1 NOTIFICATION OF FAMILY**

In the event of a life-threatening injury or fatality, the supervisor responsible for the incident should ensure notification of the victim's immediate family or coordinate such notification with the Coroner, department chaplain or another suitable person. Notification should be made as soon as practicable following positive identification of the victim.

The identity of any person seriously injured or deceased in a traffic crash should not be released until notification is made to the victim's immediate family.

#### **501.5 MINIMUM REPORTING REQUIREMENTS**

A crash report shall be taken when:

- (a) A fatality, any injury (including complaint of pain), operating while intoxicated, or a hit-and-run is involved (I.C. § 9-26-1-1; I.C. § 9-26-2-1). The following exceptions apply to drivers leaving the scene of a traffic crash:
  - 1. If a motorist leaves an accident scene for their own convenience (e.g., returned to work or home and called police, came to police headquarters for the report), then an officer will not take a crash report because the officer cannot verify the incident's facts or elements.
  - 2. Police personnel will tell the reporting party to pick up an Indiana Operator's Proof of Insurance / Crash Report (State Form 52441 / SR21). Direct the person to complete the form and mail it to the Indiana State Police Crash Records Section within 10 days.
  - 3. If a victim left the scene to follow the hit and run driver or other exigent circumstances, then an officer will file a crash report.
- (b) Officers may take a Code 1 for hit and runs under the following conditions:
  - 1. Total damage is less than \$1,000; and
  - 2. No injuries / fatalities; and
  - 3. Suspect's identity (i.e., name) is unknown; and
  - 4. No or incomplete license plate from suspect vehicle.
- (c) The crash results in a collision with an unattended vehicle and/or damage to property other than a vehicle and the owner of that vehicle or property cannot be located (I.C. § 9-26-1-1).



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- (d) An on-duty member of the City of South Bend is involved.
- (e) The crash results in any damage to any City-owned or leased vehicle.
- (f) The crash involves any other public agency driver or vehicle.
- (g) There is damage to public property.
- (h) There is damage to any vehicle to the extent that towing is required.
- (i) There is property damage of at least \$1,000 (I.C. § 9-26-2-1).
- (j) Prosecution or follow-up investigation is contemplated.
- (k) Directed by a supervisor.

#### **501.5.1 PRIVATE PROPERTY**

Generally, reports should not be taken when a traffic crash occurs on private property unless the crash occurs on property that is open to the public and involves personal injury or death or property damage of at least \$1,000 (I.C. § 9-26-2-4).

#### **501.5.2 DEPARTMENT VEHICLE INVOLVED**

A traffic crash report shall be taken when a department vehicle is involved in a traffic crash that results in property damage or injury.

An Incident Information and Exposure Form may be taken in lieu of a traffic crash report at the direction of a supervisor when the incident occurs entirely on private property or does not involve another vehicle.

Whenever there is damage to a department vehicle, an Incident Information and Exposure Form shall be completed and forwarded to the appropriate Commander. The traffic investigator or supervisor at the scene should determine what photographs should be taken of the scene and the vehicle damage.

#### **501.5.3 INJURED ANIMALS**

Department members should refer to the Animal Control Policy when a traffic crash involves the disposition of an injured animal.

#### **501.6 INVESTIGATION**

When a traffic crash meets minimum reporting requirements the investigation should include, at a minimum:

- (a) Identification and interview of all involved parties.
- (b) Identification and interview of any witnesses.
- (c) A determination of whether a violation of law has occurred and the appropriate enforcement action.
- (d) Identification and protection of items of apparent evidentiary value.
- (e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence and reporting) on the appropriate forms.

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- (f) The South Bend Police Department traffic section may do a follow-up investigation for a collision involving serious bodily injury, a fatality, hit and run or other special circumstances.

#### 501.6.1 INVESTIGATION BY OUTSIDE LAW ENFORCEMENT AGENCY

The Special Events/Traffic Coordinator or on-duty Shift Supervisor should request that the Fatal Alcohol Crash Team investigate and complete a traffic crash investigation when a life-threatening injury or fatal traffic crash occurs within the jurisdiction of the South Bend Police Department and involves:

- (a) An on- or off-duty member of the Department.
  1. The involved member shall complete the Incident Information and Exposure Form. If the member is unable to complete the form, the supervisor shall complete it.

Department members shall promptly notify a supervisor when any department vehicle is involved in a traffic crash. The crash investigation and report shall be completed by the agency having jurisdiction.

#### 501.7 ENFORCEMENT ACTION

After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of a traffic law contributed to the crash, authorized members should issue a summons or arrest the offending driver, as appropriate.

More serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter or other felonies, shall be enforced. If a driver who is subject to enforcement action is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

#### 501.8 REPORTS

Department members shall utilize forms approved by the Indiana State Police as required for the reporting of traffic crashes. All crash reports shall be forwarded to the Records Division for filing (I.C. § 9-26-2-2).

##### 501.8.1 REPORT MODIFICATION

A change or modification of a written report that alters a material fact in the report may be made only by the member who prepared the report, and only prior to its approval and distribution. Once a report has been approved and distributed, corrections shall only be made by way of a written supplemental report. A written supplemental report may be made by any authorized member.

##### 501.8.2 SPECIAL EVENTS/TRAFFIC COORDINATOR RESPONSIBILITIES

The responsibilities of the Special Events/Traffic Coordinator include, but are not limited to:

- (a) Ensuring the monthly and quarterly reports on traffic crash information and statistics are forwarded to the Chief of Police and the Patrol Division Chief or other persons as requested.

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- (b) Ensuring that the crash report is filed with the Indiana State Police within 24 hours after the investigation is complete (I.C. § 9-26-2-2).

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## Vehicle Towing

### 502.1 PURPOSE AND SCOPE

This policy provides guidance related to vehicle towing. Nothing in this policy shall require a member of this department to tow a vehicle.

#### 502.1.1 REFERENCE

Specific procedures regarding vehicle towing are contained in the Vehicle Towing Procedure.

### 502.2 POLICY

The South Bend Police Department will tow vehicles when appropriate and in accordance with the law, department policy, and established procedures.

Before impounding a vehicle on public or private property for a state law or city ordinance violation, officers should make a reasonable attempt to notify the owner or driver. The notification is meant to allow the owner/driver to correct the violation to avoid impound. If a vehicle is on private property and there is no legal cause to impound, officers should complete a Code 1 Referral to Code Enforcement for resolution.

### 502.3 REMOVAL OF VEHICLES DUE TO HAZARD

When a vehicle should be towed because it presents a hazard, the owner or operator should arrange for the towing. Department members may assist by communicating requests through Communication Center to expedite the process.

If the owner or operator is unable to arrange for towing and the vehicle presents a hazard, the vehicle may be towed at the direction of the department member (I.C. § 9-21-16-3; I.C. § 9-21-16-4).

Vehicles that are not the property of the City should not be driven by department members unless it is necessary to move the vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or comply with posted signs.

### 502.4 ARREST SCENES

Whenever the owner or operator of a vehicle is arrested, the arresting officer should provide reasonable safekeeping by leaving the vehicle secured and lawfully parked at the scene or, when appropriate, by having the vehicle towed, such as when the vehicle presents a traffic hazard or the vehicle would be in jeopardy of theft or damage if left at the scene.

Officers are not required to investigate whether alternatives to towing a vehicle exist after an arrest. However, a vehicle should not be towed if reasonable alternatives exist. When considering whether to leave a vehicle at the scene, officers should take into consideration public safety as well as the reasonable safety of the vehicle and its contents.

The following are examples of situations where a vehicle should not be towed:

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- The vehicle can be legally parked, left in a reasonably secure and safe location and is not needed as evidence.
- The vehicle is parked on private property, on which the arrestee or owner is legally residing, or the property owner does not object to the vehicle being parked at that location.
- The arrestee or owner of the vehicle requests that it be released to a person who is present, willing and able to legally take control of the vehicle.
- The vehicle is legally parked and the arrestee or owner requests that it be left at the scene. In such cases the requester should be informed that the Department will not be responsible for theft or damages.

#### **502.5 VEHICLES RELATED TO CRIMINAL INVESTIGATIONS**

Officers should tow vehicles that are needed for the furtherance of an investigation or prosecution of a case, or that are otherwise appropriate for seizure as evidence. Officers shall complete a Crime Lab Request Form. Officers should make reasonable efforts to return a recovered stolen vehicle to its owner rather than have it towed, so long as the vehicle is not needed for evidence.

##### **502.5.1 UNAUTHORIZED USER**

An officer who discovers a vehicle in the possession of an individual who cannot establish the right to possession of the vehicle shall take and store the vehicle in a suitable place (I.C. § 9-22-1-5).

##### **502.5.2 VEHICLE HOLDS**

Officers may place an impound HOLD under the following circumstances:

- (a) Outside law enforcement agency wants the vehicle; or
- (b) Vehicle is evidence or contains evidence of a crime; or
- (c) Anticipation of filing a civil forfeiture case; or
- (d) Otherwise permitted by law.

Only the following officers may release a vehicle from HOLD:

- (a) Chief of Police; or
- (b) Investigative Division Chief; or
- (c) Investigative Division Captain; or
- (d) Investigator assigned to case involving the vehicle
- (e) Traffic Commander.

#### **502.6 RECORDS**

Records Bureau members shall ensure that pertinent data regarding a towed vehicle is promptly entered into the appropriate database, if applicable.

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#### 502.6.1 VEHICLE STORAGE REPORT

Department members towing a vehicle shall complete an impound report. The report should be submitted to the Records Bureau as soon as practicable after the vehicle is towed. Vehicles being towed at the owner's request do not require an impound report, however, in the absence of a Code 2, officers should complete a Code 1.

#### 502.6.2 RED TAG

When an officer is notified of an abandoned vehicle on public property, and the vehicle is not reported as stolen, and properly parked and registered, the officer shall attach, in a prominent place, a red tag. The red tag shall include the following information (I.C. § 9-22-1-11):

- (a) The date and time
- (b) The officer's name
- (c) The name, address and telephone number of the South Bend Police Department
- (d) Notice that the vehicle is considered abandoned
- (e) Notice that the vehicle will be removed after:
  - 1. 24 hours, if the vehicle is located on or within the right-of-way of an interstate highway or any highway that is part of the state highway system
  - 2. 72 hours, for any other vehicle
- (f) Notice that the person who owns the vehicle will be held responsible for all cost incidental to the removal, storage and disposal of the vehicle
- (g) Notice that the person who owns the vehicle may avoid costs by removal of the vehicle within the time designated on the notice

If a tagged vehicle is not removed within the applicable time period, the officer shall prepare an impound report, to include the condition of the vehicle. Any photographs or video of the vehicle, if taken, should be attached to the report (I.C. § 9-22-1-12).

#### 502.6.3 NOTICE OF TOW

Within 72 hours, excluding weekends and holidays, of a vehicle being towed, it shall be the responsibility of the Records Bureau to send a notice of tow to all registered owners and others having a recorded interest in the vehicle. Notice shall be sent to all such individuals by certified mail or by means of electronic service if approved by the Bureau of Motor Vehicles. The notice shall include (I.C. § 9-22-1-19):

- (a) The name, address and telephone number of the South Bend Police Department.
- (b) The location where the vehicle is stored.
- (c) A description of the vehicle, including the following:
  - 1. Color
  - 2. Manufacturer year
  - 3. Make and model

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4. License plate number and/or Vehicle Identification Number (VIN)
  5. Mileage
- (d) The authority and purpose for the removal of the vehicle.
  - (e) An explanation of the procedure for release of the vehicle and for obtaining a vehicle tow hearing.
  - (f) Other information as may be required by I.C. § 9-22-1-19 in cases of abandoned vehicles or vehicles towed after a collision.

If a vehicle is in such a condition that the vehicle identification number or other means of identification are not available to determine the registered owner or others having a registered interest in the vehicle, the vehicle may be disposed of without notice (I.C. § 9-22-1-21).

#### **502.7 TOWING SERVICES**

Members shall not show preference among towing services that have been authorized for use by the Department. A rotation or other system established by the Department for tow services should be followed.

#### **502.8 VEHICLE INVENTORY**

The contents of all vehicles towed at the request of department members shall be inventoried and listed on the inventory report. When reasonably practicable, photographs may be taken to assist in the inventory.

- (a) An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle including, but not limited to, any unlocked glove box, other accessible areas under or within the dashboard area, any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats and under the seats.
- (b) In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in any other type of unlocked compartments that are a part of the vehicle, including unlocked vehicle trunks and unlocked car top containers.
- (c) Any locked compartments including, but not limited to, locked glove compartments, locked vehicle trunks, locked hatchbacks and locked car-top containers should be inventoried, provided the keys are available and released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle.
- (d) Closed containers located either within the vehicle or any of the vehicle's compartments will not be opened for inventory purposes except for the following: wallets, purses, coin purses, fanny packs, personal organizers, briefcases or other closed containers designed for carrying money, small valuables or hazardous materials.

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Members should ask the occupants whether the vehicle contains any valuables or hazardous materials. Responses should be noted in the inventory report. If the occupant acknowledges that any closed container contains valuables or a hazardous material, the container shall be opened and inventoried. When practicable and appropriate, such items should be removed from the vehicle and given to the owner, or booked into property for safekeeping.

Any cash, jewelry or other small valuables located during the inventory process will be held for safekeeping, in accordance with the Records Bureau Policy. A copy of the property receipt should be given to the person in control of the vehicle or if that person is not present, left in the vehicle.

These inventory procedures are for the purpose of protecting the vehicle owner's property, providing for the safety of department members and protecting the Department against fraudulent claims of lost, stolen or damaged property.

Towing a vehicle in order to perform an inventory should not be used as a pretext for an evidence search. Nothing in this policy prevents the towing of a vehicle that would occur for reasons independent of any suspicion that the vehicle may contain evidence if it is otherwise justified by law or this policy.

Officers will stand-by until the wrecker service arrives, loads and drives away with the vehicle unless the wrecker driver states otherwise or a call for service necessitates the officer to leave.

#### **502.9 SECURITY OF VEHICLES AND RETRIEVAL OF PROPERTY**

If the search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, the department member conducting the search shall take such steps as are reasonably necessary to secure or protect the vehicle or property from such hazards.

Unless it would cause an unreasonable delay in towing the vehicle or create an issue of officer safety, reasonable accommodations should be made to permit the owner, operator or occupant to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions), that are not considered evidence or contraband.

Members who become aware that a vehicle may have been towed by the Department in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the owner or his/her agent to request a hearing to contest the tow.



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## Traffic Information and Parking Citations

### 503.1 PURPOSE AND SCOPE

This policy outlines the responsibilities for issuing, correcting, voiding and dismissing traffic information and parking citations.

### 503.2 POLICY

It is the policy of the South Bend Police Department to enforce traffic laws fairly and equally. Authorized members may issue a traffic information and summons and parking citation or written or verbal warning based upon the circumstances of the contact and in the best interest of the motoring public and community safety.

### 503.3 RESPONSIBILITIES

The Records Bureau shall be responsible for the supply and accounting of all traffic information and summons and parking citations issued to members of this department. Traffic information and summons and parking citations will be kept in a secure location and issued to members by the Records Bureau staff. Members will sign for the summons and books when issued or upon return of unused summons and citations.

Members of the South Bend Police Department shall only use department-approved traffic information and summons and parking citation forms.

#### 503.3.1 WRITTEN OR VERBAL WARNINGS

Written or verbal warnings may be issued when the department member believes it is appropriate. The Records Bureau should maintain information relating to traffic stops in which a written warning is issued. Written warnings are retained by this department in accordance with the established records retention schedule.

### 503.4 TRAFFIC CITATIONS

#### 503.4.1 RECORDS BUREAU

Officers shall only use department-issued traffic information and summons. The Records Bureau shall ensure that (I.C. § 9-30-3-6):

- (a) Traffic information and summons are available and accessible as appropriate.
- (b) Each traffic information and summons shall have a unique number which will include the identifying number of the South Bend Police Department.
- (c) A system of accountability is in place for each traffic information and summons in the possession of the South Bend Police Department.
- (d) Adequate records are maintained to establish:
  1. The date of distribution of each blank traffic information and summons, or block of summons, and the officer to whom it is issued.

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2. An accounting system for all voided traffic information and summons.
3. The circumstances under which any traffic information and summons, or block of summons, has been lost or misplaced.

#### 503.4.2 BOND

Any person may be released with a traffic information and summons for a minor traffic offense in lieu of either posting a bail presentation to a magistrate or incarceration provided that the person (I.C. § 9-30-3-6):

- (a) Presents a driver's license.
- (b) Signs a traffic information and summons acknowledging receipt and his/her obligation to appear.

#### 503.4.3 CORRECTION

When a traffic information and summons is issued but is in need of correction, the member issuing the summons shall submit the summons and a letter to his/her immediate supervisor requesting a specific correction. Once approved, the summons and letter shall then be forwarded to the Records Bureau. The Director of Records or the authorized designee shall prepare a letter of correction to the court having jurisdiction and notify the summons recipient in writing.

#### 503.4.4 VOIDING

Voiding a traffic information and summons may occur when the summons has not been completed or when it is completed but not issued. All copies of the voided summons shall be presented to a supervisor for approval. The summons and copies shall then be forwarded to the Records Bureau.

#### 503.4.5 DISMISSAL

Members of this department do not have the authority to dismiss a traffic information and summons once it has been issued. Only the court has that authority. Any request from a recipient to dismiss a summons shall be referred to the Special Events/Traffic Coordinator. Upon a review of the circumstances involving the issuance of the traffic information and summons, the Special Events/Traffic Coordinator may request the Patrol Division Chief to recommend dismissal. If approved, the summons will be forwarded to the appropriate prosecutor with a request for dismissal. All recipients of traffic information and summons whose request for dismissal has been denied shall be referred to the appropriate court.

Prior to a court hearing, a member may submit a request for dismissal of a traffic information and summons to his/her supervisor. The request must be in writing and should include the reason for dismissal (i.e., in the interest of justice, prosecution is deemed inappropriate). Upon a review of the circumstances involving the issuance of the traffic information and summons, the supervisor may forward the request to the Patrol Division Chief to recommend dismissal. If approved, the summons will be forwarded to the appropriate prosecutor with a request for dismissal.

Should a member determine during a court proceeding that a traffic information and summons should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the

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member may request the court to dismiss the summons. Upon such dismissal, the member shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required, and forward it to the Patrol Division Chief for review.

#### **503.4.6 DISPOSITION**

The court and file copies of all traffic information and summons issued by members of this department shall be forwarded to the member's immediate supervisor for review by the end of each shift. The summons copies shall then be filed with the Records Bureau.

Upon separation from appointment or employment with this department, all members who were issued traffic information and summons books shall return any unused summons to the Records Bureau.

#### **503.4.7 JUVENILE CITATIONS**

Completion of traffic information and summons forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency and the type of offense should be considered before issuing a juvenile a summons.

#### **503.5 PARKING CITATION APPEALS**

Parking citations may be appealed in accordance with local and state law.

# Operating While Intoxicated

## 504.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of drivers operating vehicles while intoxicated (OWI).

## 504.2 POLICY

The South Bend Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Indiana's OWI laws.

## 504.3 INVESTIGATIONS

Officers should not enforce OWI laws to the exclusion of their other duties unless specifically assigned to OWI enforcement. All officers are expected to enforce these laws with due diligence.

The Special Events/Traffic Coordinator or authorized designee will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any OWI investigation will be documented using these forms. Information that should be documented includes, at a minimum:

- (a) The standardized field sobriety tests (SFSTs) administered and the results.
- (b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- (c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
- (d) Information about any audio and/or video recording of the individual's driving or subsequent actions.
- (e) The location and time frame of the individual's vehicle operation and how this was determined.
- (f) Any prior related convictions in Indiana or another jurisdiction.

## 504.4 FIELD TESTS

The Special Events/Traffic Coordinator or authorized designee should identify standardized SFSTs and any approved alternate tests for officers to use when investigating violations of Indiana OWI laws.

## 504.5 CHEMICAL TESTS

A person implies consent to a chemical test or tests, and to providing the associated chemical sample, under any of the following (I.C. § 9-30-6-1, *et seq.*; I.C. § 9-30-7-2):

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- (a) The officer has probable cause to believe that the person has committed an offense under any of the following:
  - (a) OWI (I.C. § 9-30-5-1, *et seq.*)
  - (b) Implied Consent (I.C. § 9-30-6-1, *et seq.*)
  - (c) Circuit Court Alcohol Abuse Deterrent Programs (I.C. § 9-30-9-1, *et seq.*)
  - (d) Open Alcoholic Beverage Containers/Consumption of Alcohol in Motor Vehicles (I.C. § 9-30-15-1, *et seq.*)

An officer may administer more than one chemical test during the course of an OWI investigation (I.C. § 9-30-6-2; I.C. § 9-30-7-3).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

#### 504.5.1 STATUTORY NOTIFICATIONS

Officers should advise a person that in order to comply with the implied consent laws of Indiana, they must submit to each chemical test offered (I.C. § 9-30-6-2).

#### 504.5.2 BREATH SAMPLES

The Special Events/Traffic Coordinator or authorized designee shall ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested and that a record of such service and testing is properly maintained (I.C. § 9-30-6-5; 260 I.A.C. 2-3-2).

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Special Events/Traffic Coordinator or authorized designee (260 I.A.C. 2-4-1; 260 I.A.C. 2-4-2).

#### 504.5.3 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples. The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task (I.C. § 9-30-6-6).

Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the Indiana State Department of Toxicology.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test shall not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

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#### 504.5.4 PORTABLE BREATH TEST

A portable breath test (PBT) may be offered when an officer has reasonable suspicion to believe that a person is OWI or has been involved in an accident resulting in actual or imminent death, or serious bodily injury (I.C. § 9-30-6-6).

#### 504.6 REFUSALS

When an arrestee refuses to provide a chemical sample, officers (I.C. § 9-30-6-7; I.C. § 9-30-6-8):

- (a) Should advise the arrestee of the requirement to provide a sample.
- (b) Should audio- and/or video-record the admonishment and the response when it is practicable.
- (c) Shall document the refusal in the appropriate report.
- (d) Shall prepare a probable cause affidavit to be forwarded to the prosecuting attorney of the county where the alleged offense occurred.

#### 504.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test, officers shall inform the person that refusal will result in the suspension of his/her driving privileges and take possession of the person's driver's license or permit. The officer shall issue the person a receipt for the driver's license (I.C. § 9-30-6-7).

#### 504.6.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

- (a) A search warrant has been obtained.
- (b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy time delay resulting from an accident investigation or medical treatment of the person.
- (c) The officer has probable cause to believe that the person has violated OWI laws and has been involved in an accident that caused serious bodily injury or death of another (I.C. § 9-30-6-6).

#### 504.6.3 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes, a viable form of testing in a timely manner.

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- (c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to providing such a sample without physical resistance.
  - 1. This dialogue should be recorded on audio and/or video when appropriate and practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner (I.C. § 9-30-6-6).
- (e) Ensure that the forced blood draw is recorded on audio and/or video when appropriate and practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances (I.C. § 9-30-6-6):
  - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
  - 2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
  - 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform the duties of a supervisor, as set forth above.

#### **504.7 ARREST AND INVESTIGATION**

If an officer has probable cause to believe that a person committed an OWI offense, the person may be arrested. However, if the chemical test results in prima facie evidence that the person is intoxicated, the person shall be arrested for an OWI offense (I.C. § 9-30-6-3).

##### **504.7.1 TIME TO ADMINISTER TEST**

All chemical tests shall be administered to a person within three hours after an officer has made contact with the person suspected to be OWI or that the person has been involved in an accident resulting in serious bodily injury, or actual or imminent death (I.C. § 9-30-6-2; I.C. § 9-30-6-6; I.C. § 9-30-6-7).

##### **504.7.2 MEDICAL TEST RESULTS**

For the criminal investigation, officers should attempt to obtain chemical test results conducted by medical personnel acting under the direction or protocol of a physician. The test results shall be provided to an officer even if the person has not consented or authorized his/her release (I.C. § 9-30-6-6).

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#### **504.8 RECORDS BUREAU RESPONSIBILITIES**

The Director of Records will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

#### **504.9 ADMINISTRATIVE HEARINGS**

Any officer who receives notice of required attendance at an administrative license suspension hearing at the Indiana Bureau of Motor Vehicles (BMV) should promptly notify the prosecuting attorney.



## Disabled Vehicles

### 505.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for department members who provide assistance to motorists in disabled vehicles within the primary jurisdiction of the South Bend Police Department.

### 505.2 POLICY

It is the policy of the South Bend Police Department to assist motorists with disabled vehicles until those vehicles are safely removed from the roadway. Members should take appropriate action to mitigate potential problems when a vehicle constitutes a traffic hazard or the safety of the motorist is a concern.

### 505.3 RESPONSIBILITIES

When a sworn member of this department sees a disabled vehicle on the roadway, the member should make a reasonable effort to provide assistance. If this is not reasonably possible, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another department member to respond as soon as practicable.

### 505.4 ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department members will be contingent on the time of day, the location, the availability of department resources and the vulnerability of the disabled motorist.

#### 505.4.1 MECHANICAL REPAIRS

Department members shall not make mechanical repairs to a disabled vehicle. The use of push bumpers, with consent of the owner, to relocate vehicles to a position of safety is not considered a mechanical repair. The consent of the owner should be recorded.

#### 505.4.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

#### 505.4.3 RELOCATION OF DISABLED MOTORIST

The relocation of a disabled motorist should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

## **Chapter 6 - Investigation Operations**

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## Investigation and Prosecution

### 600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and dispositions of criminal investigations.

### 600.2 POLICY

It is the policy of the South Bend 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. An equal amount of time and resources will go into disproving a suspect as to proving one.

### 600.3 INITIAL INVESTIGATION

#### 600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
  - 1. An initial statement from any witnesses or complainants.
  - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the officer shall:
  - 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
  - 2. Determine whether additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
  - 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Shift 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) When practicable, members shall take photos at all major crime scenes, incidents involving domestic violence and any other scene deemed appropriate.
  - 1. Members shall only use department-issued cameras, video recorders, film and digital media when documenting crime scenes.

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- (d) If the preliminary determination is that no crime occurred, determine what other action may be necessary and what other resources may be available, and advise the informant or complainant of this information.

#### 600.3.2 CIVILIAN MEMBER RESPONSIBILITIES

A civilian member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take 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 felony offense shall be recorded (audio or video with audio as available) in its entirety, unless it is an exception pursuant to Indiana Rules of Court Evidence, Rule 617. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigative Bureau supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete, and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

#### 600.5 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, there is no reasonable belief that the person who committed the crime can be identified and the incident has been documented appropriately.
- (b) The 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.

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- (c) The case has been submitted to the appropriate prosecutor; charges have been filed; further investigation is not reasonable, warranted or requested; and there is no need to take the suspect into custody.
- (d) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.
- (e) Investigation has proved that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).
- (f) Victim is uncooperative and there is no corroborating evidence and/or witnesses.

The Domestic or Family Violence, Child Abuse, Sexual Assault Investigations 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 and Criminal Organizations policies).

##### **600.7.1 ACCESS RESTRICTIONS**

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for

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accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an Internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

#### **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 Division Chief 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 notification 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 I.C. § 35-42-4-1 et. seq.

**Sexual Assault Response Team (SART)** - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

**Special Victims Unit (SVU)** - A specialized investigative unit consisting of specially trained detectives, prosecutors and advocates. SVU is designed to respond to sexual assault, domestic violence, and child abuse/neglect cases.

### 601.2 POLICY

It is the policy of the South Bend 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 SVU INVESTIGATORS

SVU 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.

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- (f) Participate in or coordinate with SART or other multidisciplinary investigative teams as applicable.

#### **601.4 REPORTING**

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation, at the direction of the SVU commander. This includes incidents in which the allegations appear unfounded or unsubstantiated.

#### **601.5 VICTIM INTERVIEWS**

The primary considerations in sexual assault investigations, which begin with the initial call the victim makes to Communication 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.

Whenever possible, a member of the SVU should be included in the initial victim interviews.

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.

An officer shall not require a victim to submit to a polygraph or other truth telling device examination (34 USC § 10451; I.C. § 35-37-4.5-2). An officer shall not refuse to investigate, charge or prosecute a sexual assault offense solely because the victim has not submitted to a polygraph or other truth telling device examination (I.C. § 35-37-4.5-3).

Victims shall be notified, by the SVU commander or the authorized designee, that biological samples will be removed from secured storage and may be destroyed if the victim does not report the sexual assault offense to a law enforcement agency within one year after the sample is placed in secured storage (I.C. § 16-21-8-10).

Victims shall not be compelled to provide testimony during any judicial, legislative or administrative proceeding that would identify the name, address, location or telephone number of any facility that provided emergency shelter to the victim (I.C. § 35-37-6-9).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

#### **601.6 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE**

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.



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When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

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 according to I.C. § 16-21-8-10.

#### **601.6.1 COLLECTION AND TESTING REQUIREMENTS**

Within 48 hours of receiving notification that a sample has been collected, officers shall receive the sample and secure the sample in accordance with the Records Bureau Policy (I.C. § 16-21-8-10).

#### **601.6.2 DNA TEST RESULTS**

Members investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practicable.

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

Members investigating sexual assault cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

#### **601.7 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 SVU commander.

Classification of a sexual assault case as unfounded requires the SVU commander 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.

#### **601.8 CASE REVIEW**

The SVU commander will ensure cases are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

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- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.

#### **601.9 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 SVU commander should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

## Asset Forfeiture

### 602.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

#### 602.1.1 DEFINITIONS

Definitions related to this policy include:

**Fiscal agent** - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the South Bend Police Department seizes property for forfeiture or when the South Bend Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

**Forfeiture** - The process by which legal ownership of an asset is transferred to a government or other authority.

**Forfeiture reviewer** - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and acting as the liaison between the Department and the forfeiture counsel.

**Property subject to forfeiture** - Property that may be subject to forfeiture includes (I.C. § 34-24-1-1):

- (a) A vehicle used or intended for use to transport or facilitate the transportation of:
  1. A controlled substance used to commit specific offenses (I.C. § 35-48-4-1 et seq.).
  2. Stolen or converted property if the retail or repurchase value of that property is \$100 or more (I.C. § 35-43-4-2; I.C. § 35-43-4-3).
  3. Hazardous waste in violation of I.C. § 13-30-10-1.5.
  4. A bomb or weapon of mass destruction used to commit or attempt an act of terrorism.
- (b) Money, weapons, cell phones, or other property used to commit, attempt to commit, or conspire to commit an act of terrorism under I.C. § 35-50-2-18 or an offense under Article 47 of the Criminal Procedure Law (Weapons and Instruments of Violence) relating to an act of terrorism.
- (c) Money, weapons, cell phones, or other property used as consideration for a violation of certain offenses relating to controlled substances (I.C. § 35-48-4-1 et seq.).
- (d) Real or personal property purchased with money that is traceable as a proceed of a violation of a criminal statute.
- (e) A vehicle that is used to commit, attempt to commit, or conspire, to commit: murder, dealing in a controlled substance resulting in death, kidnapping, criminal confinement, rape, child molesting, child exploitation, or terrorism.

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- (f) Real property owned by a person who has used it to commit a specified Level 1, Level 2, Level 3, Level 4, or Level 5 felony involving controlled substance offenses.
- (g) Equipment and recordings used by a person to commit credit card fraud in violation of I.C. § 35-43-5-4(10).
- (h) "Bootlegged" recordings sold, rented, transported, or possessed in violation of I.C. § 24-4-10-4.
- (i) Property or an enterprise that is the object of a corrupt business influence in violation of I.C. § 35-45-6-2.
- (j) Unlawful telecommunications devices and plans, instructions, or publications used to commit an unauthorized use of telecommunications services (I.C. § 35-45-13-6; I.C. § 35-45-13-7).
- (k) Equipment, including computer equipment and cellular telephones, used for or intended for use in preparing, photographing, recording, videotaping, digitizing, printing, copying, or disseminating matter in violation of specific sex crimes (I.C. § 35-42-4-1 et seq.).
- (l) Destructive devices used, possessed, transported, or sold in violation of I.C. § 35-47.5-5-2.
- (m) Tobacco products that are sold or attempted to be sold in violation of I.C. § 24-3-5-0.1, et seq.
- (n) Property used by a person to commit counterfeiting or forgery (I.C. § 35-43-5-2).
- (o) Property used or intended to be used to commit, facilitate, or promote the commission of a prescription drug offense or facilitate such an offense, and where there has been a conviction (I.C. § 25-26-14-26(b)).
- (p) A vehicle operated by the owner or spouse of the owner while intoxicated or with suspended driving privileges after being convicted of two or more related offenses within the previous five years.
- (q) Real or personal property used or intended to be used to commit or derived from fraud related to funeral or cemetery services.
- (r) An automated sales suppression device or phantom-ware related to cash register fraud.
- (s) Real or personal property, including a vehicle, used or intended to be used to commit, facilitate, or escape from a violation of human trafficking (I.C. § 35-42-3.5-1 through I.C. § 35-42-3.5-1.4) or promoting prostitution (I.C. § 35-45-4-4).

**Seizure** - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

#### **602.2 POLICY**

The South Bend 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

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of criminal offenses, officer safety, the integrity of ongoing investigations or any person's due process rights.

It is the policy of the South Bend Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeitures.

#### **602.3 ASSET SEIZURE**

The following property may be seized for forfeiture as provided in this policy:

##### **602.3.1 PROPERTY SUBJECT TO SEIZURE**

The following property may be seized upon review and approval of a supervisor and in conjunction with the forfeiture reviewer (I.C. § 34-24-1-2):

- (a) Property subject to seizure as identified in a court order
- (b) Property that is not identified in a court order when an officer has probable cause to believe there is a nexus between the property and the underlying offense and the seizure is incident to a lawful arrest, search, or administrative inspection.

Whenever practicable, obtaining a search warrant or court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

##### **602.3.2 PROPERTY NOT SUBJECT TO SEIZURE**

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds.
- (b) Property, when there is reason to suspect that the owner did not knowingly permit the property to be used in a way that subjects it to seizure (i.e., "innocent owner") (I.C. § 34-24-1-1).

#### **602.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS**

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

- (a) Complete the applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.
- (b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.

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- (c) Forward the original seizure forms and related reports to the forfeiture reviewer within 24 hours of the seizure, if practicable.

The officer will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items. Items of this nature should be stored in accordance with the Property and Evidence Policy.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere; the whereabouts of the property is unknown; it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

#### **602.5 MAINTAINING SEIZED PROPERTY**

The Records Bureau supervisor is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is checked to determine whether the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for forfeiture is not used unless the forfeiture action has been completed.
- (e) Forfeitable property is retained until such time as its use as evidence is no longer required.

#### **602.6 FORFEITURE REVIEWER**

The Chief of Police will appoint a forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a course approved by the Department on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

- (a) Remaining familiar with forfeiture laws, particularly I.C. § 34-24-1-1 et seq., and the forfeiture policies of prosecutor and City Attorney Offices.
- (b) Serving as the liaison between the Department and the prosecutor and City Attorney Offices and ensuring prompt legal review of all seizures.

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- (c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.
- (d) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The forfeiture reviewer should contact federal authorities when appropriate.
- (e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:
  - 1. Names and contact information for all relevant persons and law enforcement officers involved.
  - 2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
- (g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or General Orders. The training should cover this policy and address any relevant statutory changes and court decisions.
- (h) Reviewing each asset forfeiture case to ensure that:
  - 1. Written documentation of the seizure and the items seized is in the case file.
  - 2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
  - 3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property.
  - 4. Property is promptly released to those entitled to its return.
  - 5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
  - 6. Any cash received is deposited with the fiscal agent.
  - 7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
  - 8. Current minimum forfeiture thresholds are communicated appropriately to officers.

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9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.
  - (i) Ensuring that a written plan is available that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement personnel and attorneys who may assist in these matters is available.
  - (j) Ensuring that the process of selling or adding forfeited property to Department inventory is in accordance with all applicable laws and consistent with the use and disposition of similar property.
  - (k) Upon completion of any forfeiture process, ensuring that no property is retained by the South Bend Police Department unless the Chief of Police authorizes in writing the retention of the property for official use.

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives.

#### **602.7 DISPOSITION OF FORFEITED PROPERTY**

Court orders may permit the South Bend Police Department to use the forfeited property for up to three years and then be put up for public sale. No property shall be used in any way or kept longer than allowed by any associated court order (I.C. § 34-24-1-4).

Federal forfeiture funds received by the South Bend Police Department are required to be deposited in a non-reverting fund and expended only with proper approval (I.C. § 34-24-1-9).

No member of this department may use property that has been seized for forfeiture until the forfeiture action has been completed and the Chief of Police has given written authorization to retain the property for official use. No department member involved in the decision to seize property should be involved in any decision regarding the disposition of the property.

All forfeited, sold or destroyed items must be documented in accordance with state and federal statutes.



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## Informants

### 603.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

[REDACTED]

### 603.2 POLICY

[REDACTED]

### 603.3 USE OF INFORMANTS

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### 603.4 INFORMANT INTEGRITY

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# South Bend Police Department

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### Informants

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### Informants

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#### 603.5 INFORMANT FILES

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*Informants*

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**603.6 INFORMANT PAYMENTS**

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# South Bend Police Department

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## Eyewitness Identification

### 604.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

#### 604.1.1 DEFINITIONS

Definitions related to this policy include:

**Eyewitness identification process** - Any 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.

### 604.2 POLICY

The South Bend Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

### 604.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

### 604.4 EYEWITNESS IDENTIFICATION FORM

The Detective Bureau Captain 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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### *Eyewitness Identification*

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- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
- (g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
- (j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

The process and related forms should be reviewed at least annually and modified when necessary.

#### **604.5 EYEWITNESS IDENTIFICATION**

Members shall not, 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 shall not mention that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

#### **604.6 PHOTOGRAPHIC 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.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably

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### *Eyewitness Identification*

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stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

#### **604.7 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 identification. 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.
- (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.



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### *Eyewitness Identification*

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- (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 a show-up as the suspect, members should not conduct any further field identifications in the presence of other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow-up, if necessary.

#### **604.8 DOCUMENTATION**

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report. Witness comments of how certain he/she is of the identification or non-identification should be quoted in the 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.

The photographic lineup shall consist of six photographs, containing a photograph of the suspect, and five people who share similar characteristics. Photographs used in the photographic lineup should be recorded on the SBPD Photo Array Instruction form. If an identification of suspect is made, the photographs used in the photographic lineup shall be initialed and booked into evidence.

## Brady-Giglio Information

### 605.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

#### 605.1.1 DEFINITIONS

Definitions related to this policy include:

**Brady information** - Information known or possessed by the South Bend Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

### 605.2 POLICY

The South Bend 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 South Bend Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

### 605.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor’s office.

If information is believed to be privileged or confidential (e.g., informant or 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, 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.

#### 605.3.1 POTENTIAL IMPEACHMENT INFORMATION

Officers must advise the prosecuting attorney of any information which may be used to impeach the officer during testimony, and may affect the outcome of the judicial proceedings (e.g.,

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### *Brady-Giglio Information*

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sustained internal affairs investigations concerning dishonesty, convictions). Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure, the officer should address the issue with the prosecutor.

#### **605.4 BRADY-GIGLIO PROCESS**

Requests for *Brady-Giglio* information must be submitted to the Chief of Police or authorized designee, or the Office of Professional Standards (OPS).

OPS responsibilities include, but are not limited to:

- (a) Working with the appropriate prosecutors' offices and the City Attorney's Office to establish systems and processes to determine what constitutes *Brady-Giglio* information and the method for notification and disclosure.
- (b) Staying up to date with *Brady-Giglio* case law.
- (c) Maintaining familiarity with members who have *Brady-Giglio* information in their files or backgrounds.

#### **605.5 DISCLOSURE OF REQUESTED INFORMATION**

If *Brady-Giglio* information is located, the following procedure shall apply:

- (a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and department member whose file is related to the motion shall be notified of the potential presence of *Brady-Giglio* information in the member's personnel file.
- (b) The prosecuting attorney should be requested to file a motion in order to initiate an in camera review by the court.
  1. If no motion is filed, OPS should work with the appropriate counsel to determine whether the records should be disclosed to the prosecutor.
- (c) OPS shall accompany all relevant personnel files during any in camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.
- (d) If the court determines that there is relevant *Brady-Giglio* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.
  1. Prior to the release of any information pursuant to this process, a protective order should be requested from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.
- (e) If a court has determined that relevant *Brady-Giglio* 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.

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### *Brady-Giglio Information*

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#### **605.6 INVESTIGATING BRADY-GIGLIO ISSUES**

If the Department receives information from any source that a member may have issues of credibility or dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

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# Unmanned Aerial System

## 606.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

### 606.1.1 DEFINITIONS

Definitions related to this policy include:

**Unmanned aerial system (UAS)** - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means (I.C. § 35-31.5-2-342.3; I.C. § 35-33-5-0.5(7); I.C. § 35-33-5-0.5(8)).

## 606.2 POLICY

A UAS may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

## 606.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to 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) (I.C. § 35-33-5-9). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

## 606.4 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents.

# South Bend Police Department

## Policy Manual

### *Unmanned Aerial System*

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Deployment of a UAS shall require authorization of the Chief of Police or the authorized designee, depending on the type of mission.

- Developing protocol for conducting criminal investigations involving a UAS, including documentation of all operations.
- Implementing a system for public notification of UAS deployment.
- Developing an operational protocol governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.

#### **606.5 USE OF UAS**

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.

Absent a warrant or consent of the property owner, a UAS shall not be used to gather evidence, surveil, or record private property or a person on private property who has a reasonable expectation of privacy (I.C. § 35-33-5-9).

#### **606.6 PROHIBITED USE**

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.

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### *Unmanned Aerial System*

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- 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.
- To conduct personal business of any type.

The UAS shall not be weaponized.

#### **606.7 RETENTION OF UAS DATA**

Data collected by the UAS shall be retained as provided in the established records retention schedule.

## Warrant Service

### 607.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants of physical locations by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

### 607.2 POLICY

It is the policy of the South Bend Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

### 607.3 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application on physical locations. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed.

### 607.4 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 contact his/her supervisor.

If the warrant is classified as high risk, service will be coordinated by the supervisor, with the assistance of the appropriate resources (e.g., additional law enforcement personnel, canine, SWAT, task force resources, Marshal's Task Force).

### 607.5 WARRANT PREPARATION

An officer who prepares an affidavit and warrant should ensure the documentation in support of the warrant is consistent with the prosecutor's guidelines.

### 607.6 HIGH-RISK WARRANT SERVICE

The SWAT Commander or authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including resources and the number of officers deployed.



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## Policy Manual

### *Warrant Service*

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#### **607.6.1 INVESTIGATOR RESPONSIBILITIES**

The investigator assigned the case for which the warrant was issued shall be responsible for directing the warrant service and should ensure the following as applicable:

- (a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.
- (b) The warrant service is video-recorded when practicable and reasonable to do so.
- (c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items, when practicable.
- (d) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- (e) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
- (f) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- (g) A copy of the search warrant is left at the location.
- (h) The condition of the property is documented with video recording or photographs after the search.

#### **607.7 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 (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 released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

#### **607.8 ACTIONS AFTER WARRANT SERVICE**

The member 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.

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### *Warrant Service*

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#### **607.9 OTHER AGENCIES AND CROSS-JURISDICTIONAL WARRANTS**

The supervisor of the investigative officer 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.

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the shift supervisor. The shift supervisor should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The shift supervisor should ensure that members of the South Bend Police Department are utilized appropriately. Any concerns regarding the requested use of South Bend Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant may remain the responsibility of the agency requesting assistance, dependent on the circumstances.

If officers intend to serve a warrant outside South Bend Police Department jurisdiction, the supervisor of the investigative officer 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 South Bend Police Department when assisting outside agencies or serving a warrant outside South Bend Police Department jurisdiction.

#### **607.10 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 Media Relations Policy.

## Operations Planning and Deconfliction

### 608.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations. Additional guidance on planning and serving high-risk warrants is provided in the Policy.

#### 608.1.1 DEFINITIONS

Definitions related to this policy include:

**High-risk operations** - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks of violence than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

### 608.2 POLICY

It is the policy of the South Bend Police Department to properly plan and carry out high-risk operations, including participation in a 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. This policy does not apply when exigent circumstances exist, or a time-sensitive response is needed.

### 608.3 RISK ASSESSMENT

#### 608.3.1 HIGH-RISK OPERATIONS

If the investigating officer, after consultation with the involved supervisor, determines that the operation is high risk, the investigating officer should:

- (a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:
  1. Special Weapons and Tactics Team (SWAT)
  2. Additional personnel
  3. Outside agency assistance
  4. Special equipment
  5. Medical personnel
  6. Persons trained in negotiation
  7. Additional surveillance
  8. Canines
  9. Other specialty unit(s)
- (b) Contact the appropriate department members or other agencies as warranted to begin preparation.

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## Policy Manual

### *Operations Planning and Deconfliction*

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- (c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.
- (d) Coordinate the actual operation.

#### **608.4 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 investigating officer 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, unless exigent circumstances exist. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the appropriate personnel and resolve the potential conflict before proceeding.

#### **608.5 OPERATIONS PLAN**

The supervisor of the investigating officer should ensure that a written operations plan is developed for all high-risk operations.

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*Operations Planning and Deconfliction*

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**608.6 OPERATIONS BRIEFING**

A briefing shall 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.

- (a) The briefing should include a verbal review of plan elements, using visual aids, when practicable, to enhance the participants’ understanding of the operations plan.
- (b) Participating personnel should be directed to read the search warrant. Any items to be seized should be identified at the briefing.
- (c) The investigating officer shall ensure that all participants are visually identifiable as law enforcement officers.
  - 1. Exceptions may be made by the supervisor of the investigating officer for officers who are conducting surveillance or working under cover. However, those members exempt from visual identification shall transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.
- (d) The briefing should include details of the communications plan.
  - 1. It is the responsibility of the investigating officer to ensure that Communication Center is notified of the time and location of the operation.

## *Operations Planning and Deconfliction*

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### **608.7 SWAT PARTICIPATION**

If the investigating officer determines that SWAT participation is appropriate, the investigating officer and the SWAT supervisor shall work together to develop a written plan. The SWAT 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 SWAT supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

### **608.8 MEDIA ACCESS**

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

### **608.9 OPERATIONS DEBRIEFING**

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any SWAT debriefing.

## Chapter 7 - Equipment

## Department-Owned and Personal Property

### 700.1 PURPOSE AND SCOPE

This policy addresses the care of department-owned property and the role of the Department when personal property or department-owned property is damaged or lost.

### 700.2 POLICY

Members of the South Bend Police Department shall properly care for department property assigned or entrusted to them. Department-owned property that becomes damaged shall be promptly replaced. Members' personal property that becomes damaged during the performance of assigned duties may be reimbursed in accordance with this policy.

### 700.3 DEPARTMENT-ISSUED PROPERTY

All property and equipment issued by the Department shall be documented in the appropriate property sheet or equipment log. Receipt of issued items shall be acknowledged by the receiving member's signature. Upon separation from the Department, all issued property and equipment shall be returned. Documentation of the return shall be acknowledged by the signature of a supervisor.

#### 700.3.1 CARE OF PROPERTY

Members shall be responsible for the safekeeping, serviceable condition, proper care, proper use and replacement of department property that has been assigned or entrusted to them.

Intentional or negligent abuse or misuse of any department property may lead to discipline including, but not limited to, the cost of repair or replacement.

- (a) Members shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department-issued property or equipment.
  1. A supervisor receiving such a report shall conduct an investigation and direct an officer's report to the appropriate Division Chief, which shall include the result of the investigation and whether misconduct or negligence caused the loss, damage or unserviceable condition.
  2. A review by command staff should determine whether additional action is appropriate.
- (b) The use of damaged or unserviceable property should be discontinued as soon as practicable, and the item replaced with a comparable item as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or otherwise reasonable by circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.



# South Bend Police Department

## Policy Manual

### *Department-Owned and Personal Property*

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- (e) A supervisor's approval is required before any attempt to repair damaged or unserviceable property is made by a member.

#### **700.4 PERSONAL PROPERTY**

Carrying and/or using personal property or equipment on-duty requires prior written approval by the Chief of Police or appropriate Division Chief. The member should submit a request that includes a description of the property and the reason and length of time it will be used. Personal property of the type routinely carried by persons who are not performing law enforcement duties, and that is not a weapon, is excluded from this requirement.

The Department will not replace or repair costly items (e.g., jewelry, expensive watches, exotic equipment) that are not reasonably required as part of work.

##### **700.4.1 FILING CLAIMS FOR PERSONAL PROPERTY**

SBPD does not replace or reimburse members for the loss of, or damage to, personal property. Members should record the loss or damage to personal property in the appropriate report and submit the report to the prosecutor's office. The prosecutor's office may, on behalf of a member, request restitution through the judicial process.

#### **700.5 DAMAGE TO PROPERTY OF ANOTHER PERSON**

Anyone who intentionally or unintentionally damages or causes to be damaged the real or personal property of another person while performing any law enforcement function shall promptly report the damage through their chain of command.

The supervisor receiving such a report shall conduct an investigation and forward his/her findings to the appropriate Division Chief, which shall include the result of the investigation and whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

A review of the incident by command staff to determine whether misconduct or negligence was involved should be completed.

##### **700.5.1 DAMAGE BY PERSONNEL OF ANOTHER AGENCY**

Personnel from another agency may intentionally or unintentionally cause damage to the real or personal property of the City of South Bend or of another person while performing their duties within the jurisdiction of this department. It shall be the responsibility of the department member present or the member responsible for the property to report the damage as follows:

- (a) A verbal report shall be made to the member's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the member goes off-duty or as otherwise directed by the supervisor.

The supervisor receiving such a report shall conduct an investigation and forward his/her findings to the appropriate Division Chief, which shall include the result of the investigation and whether misconduct or negligence caused the loss, damage or unserviceable condition.

## 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 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, messaging, using video or camera features, playing games and accessing sites or services on the Internet.

### 701.2 POLICY

The South Bend Police Department allows members to utilize department-issued PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under the Indiana Access to Public Records Act.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

### 701.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

### 701.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or completely fund a PCD for the member's use to facilitate on-duty performance. Department-issued or funded PCDs may not be used for personal business either on- or off-duty unless authorized by the Chief of Police or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

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### *Personal Communication Devices*

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Unless a member is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

#### **701.5 PERSONALLY OWNED PCD**

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications), unless authorized by the Chief of Police. Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace while on duty 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 department business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment or appointment with the Department, without the express authorization of the Chief of Police or the authorized designee.
- (f) Use of a personally owned PCD 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, Indiana Access to Public Records Act retention and release obligations and internal investigations (e.g., If using a PCD to contact advocate services for domestic violence victims, then the record of the phone call may be subject to the Indiana Access to Public Records Act. This does not mean the record will be disclosed, but it means it may be reviewed for disclosure. This does not apply to personal communications that are outside of the scope of employment.).
- (g) Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the member has prior express authorization from his/her supervisor, the member may engage 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.

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### *Personal Communication Devices*

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#### **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, such as an external vest carrier.
- (b) All PCDs in the workplace shall be set to silent or vibrate mode.
- (c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (d) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is unsafe, impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.
- (e) Members are prohibited from taking pictures, audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.
- (f) Members will not access social networking sites for any purpose that is not official department business.
- (g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

#### **701.7 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.
  - 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.

#### **701.8 OFFICIAL USE**

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

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### *Personal Communication Devices*

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#### **701.9 USE WHILE DRIVING**

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Officers shall not use a PCD as a text messaging device to write, send or read a text message or an electronic message while operating a motor vehicle, unless the device is used in conjunction with hands-free or voice-operated technology or the device is being used to contact a 9-1-1 system (I.C. § 9-21-8-59).

## Vehicle Maintenance

### 702.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that department vehicles are appropriately maintained.

### 702.2 POLICY

The South Bend Police Department will service department vehicles to ensure they remain operational and maintain their appearance, as resources allow.

### 702.3 GENERAL DUTIES

Members are responsible for assisting in maintaining department vehicles so that they are properly equipped, properly maintained and properly refueled and present a clean appearance.

### 702.4 DEFECTIVE VEHICLES

When a vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service. Members should notify, via email, the Preventive Maintenance Coordinator when he/she becomes aware of the defective condition of a vehicle.

#### 702.4.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

#### 702.4.2 SEVERE USE

A member who has operated his/her vehicle under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should request a safety inspection as soon as practicable, or at the direction of a supervisor. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation. A member who believes his/her vehicle should be removed from service shall notify the Preventive Maintenance Coordinator and supervisor as soon as practicable.

#### 702.4.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured prior to the vehicle being released for maintenance, service or repair.

### 702.5 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles.

#### 702.5.1 DEPARTMENT-ISSUED VEHICLES

Officers shall inspect the department-issued vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is in the vehicle:

- 1 first-aid kit and CPR mask

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- 1 fire extinguisher
- 1 bloodborne pathogen kit, including protective gloves and a National Institute for Occupational Safety and Health (NIOSH) particulate respirator mask
- 1 high-visibility vest
- 1 hazardous materials emergency response handbook
- 1 camera
- Spare tire, jack and lug wrench
- Rain gear
- Riot helmet
- Department-issued flashlight
- Department-issued shotgun or rifle
- Department-issued laptop computer or tablet

#### **702.6 VEHICLE REFUELING**

Absent emergency conditions or supervisor approval, department-issued vehicles shall not be placed into service with less than one-quarter tank of fuel. Spare vehicles shall be returned with a fuel tank that is at least three quarters full.

#### **702.7 WASHING OF VEHICLES**

Vehicles shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to maintain professional appearance.

Members using a vehicle shall remove any trash or debris. Confidential material should be placed in a designated receptacle that has been provided for shredding this material.

## Vehicle Use

### 703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of South Bend to provide assigned take-home vehicles.

### 703.2 POLICY

Only sworn-officers, designated civilian employees, and City maintenance employees may operate a department vehicle. The Chief of Police must approve any other person. The South Bend 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 travel or logistics vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify and receive approval from the Logistics Captain or the Training Bureau Lieutenant. A notation will be made on the vehicle log indicating the member's name and vehicle number.

This subsection does not apply to those who are assigned to transport vehicles for scheduled service. A spare vehicle may be used by the member while their vehicle is being serviced. On taking and returning a spare vehicle, members shall email the Preventative Maintenance Coordinator (motor pool) of the spare vehicle number, mileage and any damage (if present). Spare vehicles shall be returned with a fuel tank that is at least three quarters full and with a clean interior (e.g., no food packages, plastic bottles or other trash).

#### 703.3.2 INSPECTIONS

Members shall be responsible for inspection and care of their assigned vehicle. 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.



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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 lights, canine safety, equipment charging, when weather is below 20 degrees Fahrenheit). 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 and equipment 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 Policy.

#### 703.3.5 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command. It is the member's responsibility to pay for replacement of lost keys or key fobs.

#### 703.3.6 AUTHORIZED PASSENGERS

While on-duty, members operating department vehicles shall not permit persons other than City personnel, persons required to be transported in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Alongs Policy.

#### 703.3.7 ALCOHOL AND DRUGS

Under the Working Agreement, the blood alcohol concentration level for sworn-officers will not exceed 0.01 percent during on-duty periods and will not exceed 0.04 percent when operating a department vehicle during off-duty periods. However, due to the nature of their jobs, police working an undercover assignment which requires the consumption of alcohol to maintain credibility will not be disciplined under this policy for alcohol unless their blood alcohol concentration is equal to or exceeds 0.08 percent. An officer shall not operate a department vehicle if judgment is impaired from consuming alcohol, drugs or any medication. This applies to undercover and off-duty officers regardless of BAC level. An officer shall not possess, store or transport alcoholic beverages or narcotics in a police vehicle, except in the performance of duty or as legally prescribed.

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#### 703.3.8 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles shall obey all parking regulations at all times.

Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor.

#### 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 Chief of Police or authorized designee. Window tinting, which is an authorized modification to department-issued vehicles, may be installed under the following conditions:

- (a) Before tint application, the applying officer must complete the Window Tint Authorization form and submit it to their respective Division Chief for approval.
- (b) Only a department authorized company may install or remove vehicle tint.
- (c) The applying officer is responsible for all costs associated with the application of the tint. This includes any repair or replacement that may occur due to the window sustaining damage during the course of duty. The tint shall not exceed the percentage allowed by law.
- (d) Effective for all tints applied after July 17, 2013, the applying officer shall be responsible for all costs associated with tint removal if the vehicle is re-assigned and the receiving officer and/or Department wants the tint removed. Only a department authorized company shall remove tint.
- (e) The Department will not reimburse an officer if they must surrender their vehicle outfitted with tint.

#### 703.3.10 CIVILIAN VOLUNTEER OFFICER (CVO) USE

CVOs using marked emergency vehicles shall ensure that all weapons have been removed before going into service. CVOs may operate the emergency equipment of the vehicle when the vehicle is stationary, needed for control traffic patterns, or when expressly authorized by a supervisor.

#### 703.3.11 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 Division Commander approval.

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All data captured by the system shall be retained in accordance with the established records retention schedule.

#### **703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES**

Department vehicles are assigned to individual members 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. Members are prohibited from operating a department vehicle if they have sustained an injury or illness that results in their incapability of operating a motor vehicle. If an injured or ill sworn officer cannot perform the essential functions of a police officer but is capable of operating a motor vehicle, then the officer will only operate an unmarked police vehicle.

##### **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 at the discretion of the Chief of Police or the authorized designee. Members may take department-issued vehicles outside St. Joseph County only under the following conditions:

- (a) Hot pursuit
- (b) Pre-approved school
- (c) Active investigation (with supervisor approval)
- (d) Approval from Chief of Police or designee
- (e) In an emergency, with the approval of a supervisor

##### **703.4.2 ASSIGNED VEHICLES**

Department members shall sign a take-home vehicle agreement that outlines certain standards, including, but not limited to, participation, fees, and limitations on vehicle use.

Officers not participating in the Take Home Vehicle Program will drive an assigned fleet car during working hours. Any officer that opts out of the program must wait a period of one year from the date of opting out before requesting to rejoin the program. Once this time period has passed, then acceptance into the program will depend upon seniority among other awaiting participants, vehicle availability, and approval by the Chief of Police. Officers participating in the Take Home Vehicle Program will abide by all vehicle and property policies.

Criteria for use of take-home vehicles include the following:

- (a) While operating the vehicle, authorized members will carry and have accessible their duty firearms or an approved firearm, department identification, and valid driver's license, and be prepared to perform any function they would be expected to perform while on-duty.

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- (b) The two-way communications radio should be on at all times. When on-duty the MDT and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- (c) 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.
- (d) If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be secured in the department-installed firearm locking device or removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home). When not deployed, department-issued weapons shall be properly secured consistent with department training. If a locking weapon rack is available in the department-issued vehicle, department-issued weapons shall be stored in the locking weapon rack.

#### 703.4.3 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the South Bend Police Department or while off-duty, an officer should 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 shall not arrest or issue a traffic information and summons to a person unless the officer is (I.C. § 9-30-2-2):

- (a) In uniform.
- (b) Operating a vehicle that is clearly marked a police vehicle.
- (c) Accompanied by a uniformed officer. (See also 100 - Law Enforcement Authority.)

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving take-home vehicles shall be armed and appropriately attired and shall carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

#### 703.4.4 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:

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- (a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- (b) When notified by the Preventative Maintenance Coordinator that the assigned vehicle is due for service, 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 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) If a department-issued vehicle needs towing, the member should contact the Communications Center for an approved towing service. The on-duty supervisor may make exceptions to this rule based upon special circumstances.
- (f) When leaving the vehicle at the maintenance facility, the member will notify Central Services of the needed service or repair.
- (g) All weapons shall be removed from any vehicle left for maintenance.
- (h) Supervisors shall make, at a minimum, annual inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy. Supervisors should also make spot checks of those members under his/her direct supervision.

#### **703.5 UNMARKED VEHICLES**

Unmarked vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved by a supervisor. Any use of unmarked vehicles by those who are not assigned to the division to which the vehicle is assigned shall be approved by a supervisor.

#### **703.6 DAMAGE, ABUSE AND MISUSE**

When any department vehicle is involved in a traffic crash or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic crash report shall be filed with the agency having jurisdiction (see the Traffic Crashes Policy).

Damage to any department vehicle that was not caused by a traffic crash shall be immediately reported during the shift in which the damage was discovered, documented in an Incident Investigation and Exposure form, and forwarded to the Traffic Lieutenant who, through an investigation, will determine if there has been any vehicle abuse or misuse.

#### **703.7 TOLL ROAD USAGE**

Law enforcement vehicles while in discharge of their official duties are routinely exempt from incurring toll road charges (135 I.A.C. 2-5-5). Officers using the toll road in a non-official capacity or while on personal business shall pay their own tolls.

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Members operating department vehicles for any reason other than in the discharge of their official duties shall pay the appropriate toll charge or utilize the appropriate toll way transponder.

#### **703.8 ATTIRE AND APPEARANCE**

When operating any department vehicle while off-duty, members should dress in an appropriate manner and always wear a shirt and footwear. It is inappropriate to wear sexually suggestive clothing, or clothing with profane or obscene logos. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

#### **703.9 MOTORCYCLES**

Members expressly authorized by the Chief of Police to ride department-issued motorcycles shall be properly trained, licensed and equipped with authorized clothing and safety equipment. Members assigned to ride a department-issued motorcycle shall comply with applicable maintenance policies as outlined above. Motorcycles shall not be utilized in vehicle pursuits and shall comply with restrictions on the use of motorcycles for emergency responses (see the Officer Response to Calls Policy).

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## Cash Handling, Security and Management

### 704.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Records Bureau and Informants policies.

### 704.2 POLICY

It is the policy of the South Bend 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.

### 704.3 PETTY CASH FUNDS

The Chief of Police shall select a member of the Support Services/Logistics Division as the fund manager. This person is responsible for maintaining and managing petty cash funds. In the absence of the fund manager, the Chief of Police may delegate this responsibility to an authorized designee of the Support Services/Logistics Division.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

### 704.4 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

### 704.5 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every six months. This audit requires that the fund manager and at least one command staff member, selected by the Chief of Police, review the transaction ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Chief of Police.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

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### *Cash Handling, Security and Management*

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A separate audit of each petty cash fund should be completed on a random date, approximately once each year, by the Chief of Police or the City.

#### **704.6 CASH HANDLING**

Members who handle cash as part of their regular duties (e.g., property clerks, the Commander of the Support Services Division, those who accept payment for department services) will discharge those duties in accordance with the procedures established for those tasks (see the Records Bureau and Informants policies).

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 South Bend Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

## 705.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

## 705.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in 29 CFR 1910.95 and 620 I.A.C. 1-1-24.

## 705.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the

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### *Personal Protective Equipment*

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prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

The Head Firearms Instructor shall ensure eye protection meets or exceeds the requirements provided in 29 CFR 1910.133 and 620 I.A.C. 1-1-1.

#### **705.6 HEAD AND BODY PROTECTION**

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection should be provided as required.

#### **705.7 RESPIRATORY PROTECTION**

The Support Division Chief is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (29 CFR 1910.134; 620 I.A.C. 1-1-1):

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.
- (g) Regularly reviewing the PPE plan.
- (h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

##### **705.7.1 RESPIRATORY PROTECTION USE**

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall

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### *Personal Protective Equipment*

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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; 620 I.A.C. 1-1-1):

- (a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.
- (b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.
- (c) The member needs to replace the respirator, filter, cartridge or canister.

#### 705.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (29 CFR 1910.134; 620 I.A.C. 1-1-1):

- (a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.
- (b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.
- (c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
- (d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

#### 705.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (29 CFR 1910.134; 620 I.A.C. 1-1-1).

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.

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### *Personal Protective Equipment*

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- (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.

#### 705.7.4 SELF-CONTAINED BREATHING APPARATUS

Scene commanders or South Bend Fire Department members may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

- (a) Entering the hot zone of a hazardous materials incident.
- (b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.
- (c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

## **Chapter 8 - Support Services**

## Crime Analysis

### 800.1 PURPOSE AND SCOPE

This policy provides guidelines for utilizing crime analysis to support the overall law enforcement efforts of the South Bend Police Department. It addresses the collection and dissemination of crime analysis data that is useful to long-range planning and that can assist in identifying enforcement priorities, strategies and tactics.

### 800.2 POLICY

It is the policy of the South Bend Police Department to utilize crime analysis as a tool in crime control and prevention efforts. This entails gathering, analyzing and correlating data to effectively deploy the resources of this department.

### 800.3 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to, the following:

- Crime reports
- Field Interview (FI) information
- Parole and probation records
- Activity records from Communication Center

### 800.4 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for crime analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

### 800.5 CRIME ANALYSIS DISSEMINATION

Information developed through crime analysis should be disseminated to the appropriate divisions or members on a timely basis. Information that is relevant to the operational or tactical plans of specific line members should be sent directly to them. Information relevant to the development of department strategic plans should be provided to the appropriate command staff members.

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### *Crime Analysis*

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When information pertains to tactical and strategic plans, it should be provided to all affected members.

## Property and Evidence Records Bureau

### 801.1 PURPOSE AND SCOPE

This policy provides guidelines for the proper processing, storage, security and disposition of evidence and other property. This policy also provides for the protection of the chain of custody and identifies those persons authorized to remove and/or destroy property.

#### 801.1.1 DEFINITIONS

Definitions related to this policy include:

**Property** - All articles placed in secure storage within the Property and Evidence room, including the following:

- Evidence - Items taken or recovered in the course of an investigation that may be used in the prosecution of a case, including electronic or digital files, photographs and latent fingerprints.
- Found property - Items found by members of the Department or the public that have no apparent evidentiary value and where the owner cannot be readily identified or contacted.
- Safekeeping - Items received by the Department for safekeeping, such as a firearm, the personal property of an arrestee that has been not taken as evidence and items taken for safekeeping under authority of law.

### 801.2 POLICY

It is the policy of the South Bend Police Department to process and store all property in a manner that will protect it from loss, damage or contamination, while maintaining documentation that tracks the chain of custody, the location of property and its disposition.

### 801.3 PROPERTY AND EVIDENCE ROOM SECURITY

The Property and Evidence room shall maintain secure storage and control of all property and evidence in the custody of this department. The Property and Evidence Manager, Evidence Custodian or authorized designee shall be appointed by and will be directly responsible to the Director of Records or the authorized designee. The Property and Evidence Manager, Evidence Custodian or authorized designee is responsible for the security of the Property and Evidence room. The Property and Evidence Manager, Evidence Custodian or authorized designee is responsible for the security, storage and chain of custody of all property and evidence, with the exception of DNA and latent prints, which are securely stored in the lab room and noted electronically in the barcode system in Data Force.

#### 801.3.1 REFUSAL OF PROPERTY

The Manager of Property and Evidence has the obligation to refuse any piece of property that is hazardous or that has not been properly documented or packaged. Should the Manager of Property and Evidence 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, by email, or phone call, the



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### *Property and Evidence Records Bureau*

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submitting members and/or their member's supervisor of the reason for refusal and the action required for acceptance into the Property and Evidence room.

#### 801.3.2 KEY CONTROL

Property and Evidence keys (which include key cards) should be maintained by the Property and Evidence Manager, Evidence Custodian or authorized designee and members assigned to Property and Evidence. Property and Evidence keys shall not be loaned to anyone and shall be maintained in a secure manner. If a Property and Evidence key is lost, all access points shall be re-keyed and new keys issued as necessary. The loss of a key should be immediately reported to the Director of Records or authorized designee. The Director of Records shall have the key card deactivated or lock changed. In the event of an emergency or after-hours incident, where access is needed to the evidence room, the following chain of notification protocol shall be utilized:

- (a) Manager of Property and Evidence
- (b) Evidence Custodian
- (c) Director of Records
- (d) Records Manager/Assistant Manager

#### 801.3.3 ACCESS

Only authorized members assigned to Property and Evidence shall have access to property storage areas. Any individual who needs to enter a property storage area (e.g., maintenance or repair contractors) must be approved by the Records Supervisor or authorized designee or the Support Division Chief and accompanied by the Manager of Property and Evidence. Each individual permitted to access the Property and Evidence room must sign the Property and Evidence access log and indicate:

- (a) The date and time of entry and exit.
- (b) The purpose for access, including the specific case or property number.

Each access log entry shall be initialed by the accompanying department member.

### **801.4 PROPERTY HANDLING**

The member who first comes into possession of any property is generally responsible for the care, custody and control of such property until it is transferred to the Manager of Property and Evidence and/or processed and placed in a temporary property locker or storage area. Care shall be taken to maintain the chain of custody for all items of evidence.

#### 801.4.1 PROCESSING AND PACKAGING

All property must be processed by the responsible member prior to the member going off-duty, unless otherwise approved by a supervisor. Members shall process and package property as follows:

- (a) A property form (Chain of Custody form) shall be completed describing each item. List all known information, including the following:

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1. Serial number
  2. Finder's name
  3. Other identifying information or marking
- (b) Each item shall be marked with the member's initials and the date processed using a method that will not damage, deface, degrade or devalue the item. Items too small or too delicate to mark should be individually packaged and labeled and the package marked with the member's initials and date.
- (c) Property shall be packaged in a container suitable for its size.
- (d) A property tag shall be completed and attached to the property or container in which the property is stored. Information on the property tag must include the member's name, PN and date/time processed.
- (e) The case number shall be indicated on the property form.
- (f) The property form shall be submitted with the property directly to the Manager of Property and Evidence or placed in a temporary property locker. Items too large to fit in a temporary property locker, or are wet or hazardous, should be placed in a designated storage area that can be secured from unauthorized entry. A property form will be used, noting the location of the items stored. The property form should be placed in the mail slot next to the Property and Evidence room door.

#### 801.4.2 EXCEPTIONAL PROCESSING

The following items require special consideration and shall be processed as follows, unless special conditions dictate a reasonable deviation:

**Ballistic evidence** – Evidence consisting of casings, projectiles, fragments and live ammunition.

- (a) Casings are stored in a ballistic envelope and are deposited in the assigned ballistics box in the evidence packaging room. No more than five ballistic envelopes may be packaged in a 6 inch by 9 inch manila envelope.
- (b) Projectile and fragments shall be packaged separately in an assigned ballistic envelope and placed in one of the temporary storage lockers. No more than five ballistic envelopes may be packaged in a 6 inch by 9 inch manila envelope.
- (c) Live ammunition, not taken from a firearm, shall be packaged separately and submitted as regular evidence in one of the temporary storage lockers.

**Bicycles** - Bicycles and bicycle frames shall have a property tag securely attached and should be placed in the bicycle storage area. Members shall locate the serial number on bicycles, document the serial number on the property form and property tag, and check it through NCIC. If no serial number is located, the member shall so note in the appropriate report. The property form sheet should be placed in the mail slot of the Property and Evidence room.

**Biological and related items** - Evidence that may contain biological samples shall be indicated as such on the package with a biohazard/blood evidence tag attached.

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Property stained with bodily fluids, such as blood or semen, shall be air-dried in a secure location (e.g., locked drying cabinet) prior to processing.

Items of evidence collected from a crime scene that require specific storage requirements pursuant to laboratory processing shall have such storage requirements clearly indicated on the property form.

Items that are potential biohazards shall be appropriately packaged and marked "Biohazard" to reduce the risk of exposure or contamination.

All DNA evidence items shall be placed into a locked temporary storage refrigerator located in the evidence packaging room. The property form shall be placed in the mail slot of the Property and Evidence room. DNA is then temporarily stored in the crime laboratory until sent to the Indiana State Police (ISP) for processing.

On a daily basis all DNA evidence shall be checked-in by laboratory personnel and notated electronically in the barcode system in Data Force. Once processed by ISP, DNA evidence shall be properly stored in the Property and Evidence room.

All latent print evidence shall be checked-in by laboratory personnel and notated electronically in the barcode system in Data Force.

**Cash** - Cash, which need not be secured in the department's evidence room, will be deposited in a bank account at a later time. Procedures should be in place to ensure the timely delivery of blood and other perishable evidence to refrigerated storage or a laboratory. Potential biohazards shall be marked "Biohazard" to reduce the risk of exposure or contamination.

**Cash** - Cash shall be counted in the presence of another member. The cash shall be placed in a clear currency bag property envelope and initialed by both members. The submitting member shall complete a Currency Submission sheet and deposit these items along with a property form in the roll safe located in the Patrol supervisor's office. All cash received by Records Management, and not secured in the department's evidence room, shall be maintained in a non-interest-bearing account until final disposition has been determined. Refer to the Property and Evidence Procedure for detailed procedures related to handling cash as property and/or evidence. A supervisor shall be contacted for any amount of cash. The supervisor shall witness the count, initial, and date the envelope, and specify any additional security procedures that may be necessary.

**Explosives and fireworks** - Explosives will not be retained in the police facility, but will be temporarily stored in the SBPD bomb bunker. Fireworks that are considered stable and safe, as well as road flares or similar signaling devices, may be stored in proper containers in an area designated for storage of flammable materials.

The arson investigator 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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### *Property and Evidence Records Bureau*

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**Firearms and other weapons** - Firearms shall be unloaded and packaged in an assigned firearm box. Ammunition removed from the firearm shall be packaged separately and placed inside the same assigned firearm box. Knife boxes should be used to package knives. Knives with a secured blade (e.g., pocketknife, box cutter) shall be placed in a manila envelope.

Seized firearms should not be marked for identification or other purposes (I.C. § 35-47-14-12).

**Government property** - License plates that have not been reported stolen or are of no evidentiary value should be placed in the designated container for return to the Bureau of Motor Vehicles. No formal property processing is required.

City property that is of no evidentiary value should be released directly to the appropriate City department. No formal property processing is required.

If no responsible City personnel can be located, the property should be held for safekeeping.

**Sharps** - Under special circumstances, and with prior supervisory approval, sharps and needles may be booked as evidence. If booked as evidence, syringe tubes should be used to package syringes and needles. The ISP lab will not accept sharps or syringes. When testing is required, sharps and syringes shall be photographed and swabbed prior to submission.

#### 801.4.3 CONTROLLED SUBSTANCE/NARCOTICS AND DANGEROUS DRUGS

- (a) Controlled substances/Narcotics and dangerous drugs shall not be packaged with other property but shall be processed.
- (b) The member processing controlled substances/narcotics and dangerous drugs shall retain such property in his/her possession until it is weighed, packaged, tagged and placed in the designated controlled substances/narcotics orange drop box. No laboratory request is necessary for marijuana cases.
- (c) Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected controlled substances/narcotics (excluding found property) if charges are being sought. If conducted, the result of the test shall be included in the crime report.
  1. The member shall package controlled substances/narcotics and dangerous drugs as follows:
    - (a) Unless seized in a clear plastic bag, controlled substances/narcotics and dangerous drugs should be removed from the original container in which it was seized and placed in a clear plastic evidence bag of appropriate size. The original container should be booked as regular evidence, with a separate chain of custody form.
    - (b) The controlled substances/narcotics and dangerous drugs removed from the original container shall be weighed before being transferred into the clear plastic evidence bag. The approximate weight should be recorded on the barcode label.
    - (c) Weigh the clear plastic evidence bag to obtain the Gross Package Weight (GPW).

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- (d) When the quantity of controlled substances/narcotics and dangerous drugs exceeds the available safe storage capacity as determined by the Property and Evidence Manager or authorized designee, the quantity shall be photographed and weighed. These items should be temporarily stored in the designated cage located in the tech bay area rather than the orange narcotics box located in the evidence and packaging room.
  - 1. A representative sample of sufficient quantity to allow scientific analysis of the controlled substances/narcotics and dangerous drugs should be taken as allowed by state law and placed in a separate package or container.
  - 2. Excess quantities should be stored or disposed of as required by law or directed by court order.
- (e) Marijuana with any perceptible moisture content shall be loosely packaged in a container that allows for drying or shall be dried prior to storage. The Property and Evidence Manager, or authorized designee, shall monitor stored marijuana for growth of mold.
- (f) Pills of any type booked as evidence shall be stored in individual clear plastic evidence bags, separated by colors, shapes and sizes, and itemized separately on the Chain of Custody form. Refer to the Property and Evidence Procedure for procedures related to the handling and booking of pills and other types of narcotics evidence.
- (g) Any person seeking to dispose of pills that are no longer needed, may utilize the Triad pill drop box located in the lobby of the Department.

#### **801.5 RECORDING OF PROPERTY**

The Manager of Property and Evidence receiving custody of property shall ensure the chain of custody by data entry inputs in Data Force acknowledging receipt. The data entry input will include a permanent storage bin, a record of the date and time, and the author's name and PN number, which will be the permanent record of property received in the Property and Evidence room. An auto populated unique package number shall be generated by the barcode system.

A unique property number shall be obtained for each item or group of items from the property page in Data Force. This auto populated number will appear on the barcode label. The barcode label should contain the following information:

- (a) Case number
- (b) Package number
- (c) Property type
- (d) Brand
- (e) Model
- (f) Color
- (g) Serial number
- (h) Date

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### *Property and Evidence Records Bureau*

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(i) Officer information

The case number shall be recorded on the property form, property tag and the property control card. The property log shall document the following:

- (a) Property number
- (b) Case number
- (c) Property tag number
- (d) Item description
- (e) Item storage location
- (f) Receipt, release and disposal dates

Any change in the location of property held by the South Bend Police Department shall be noted in the property log.

#### **801.6 PROPERTY CONTROL**

All property, including motor vehicles, seized as evidence in an alleged crime, shall be retained until the criminal case is resolved. Evidence related to an active criminal investigation, or a case being adjudicated, may only be released by the Investigation Bureau Commander or authorized designee.

In situations where a member is temporarily given custody of property by the Evidence and Property Manager, Evidence Custodian or authorized designee, the member taking control of the property shall electronically sign for the item(s) as a permanent record of the chain of custody in Data Force. The specific item(s) of property or evidence released, the date and time the property was released, and the reason for release (e.g., court, follow up investigation, photographs) will require an electronic signature by the receiver with a date and time stamp as a permanent record of the chain of custody saved in Data Force.

Any member receiving property shall be responsible for such property until it is returned to the Property and Evidence room. If released to another authorized person or entity, a property receipt shall be completed and turned in to the Records Bureau.

The return of the property to the Property and Evidence room should be recorded in Data Force by the Evidence and Property Manager, Evidence Custodian or authorized designee reflecting the name of the member receiving the property, a list of the property returned, and the date and time returned.

##### **801.6.1 EVIDENCE**

Every time evidence is released or received, an appropriate data entry in Data Force is necessary to notate the chain of custody. With the exception of found property, no evidence is to be released without first receiving written authorization from an Investigative Bureau supervisor, investigator,

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or authorized designee. Found property has been authorized to be released by Evidence and Property Manager, Evidence Custodian or authorized designee and the Investigative Bureau supervisor or investigator.

The temporary release of evidence to members for investigative purposes or for court proceedings shall be noted in Data Force recording the date, time and to whom it was released by an electronic signature from the receiver.

Requests for items of evidence needed for court proceedings shall be submitted to the property clerk via email or telephone at least one day prior to the court date.

Requests for laboratory analysis shall be completed on the appropriate lab form and submitted to the Crime Lab. This request may be submitted any time after the property has been processed.

#### **801.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY**

The property clerk releasing items of evidence for laboratory analysis/storage must electronically sign for the evidence to maintain the chain of custody. The transporting member will acknowledge receipt of the evidence with their electronic signature, which time stamps the date and time. The ISP lab form will be transported with the evidence to the examining laboratory. Upon delivering the item, the member will record the delivery time on the ISP lab form and obtain the signature of the person accepting responsibility for the evidence. The original copy of the ISP lab form will remain with the evidence and a copy of the form will be returned to the Property and Evidence room for filing with the case.

#### **801.6.3 CONTROLLED SUBSTANCES/NARCOTICS AND DANGEROUS DRUGS**

The Property and Evidence room will be responsible for the storage, control and destruction of all controlled substances/narcotics and dangerous drugs coming into the custody of this department. The gross package weight, in grams, will be verified every time controlled substances/narcotics and dangerous drugs are checked in or out of the Property and Evidence room. Any discrepancies must be notated on the outside of the package and should be immediately reported to the Director of Records.

#### **801.6.4 UNCLAIMED MONEY**

The Logistics Director shall submit an annual report, or more frequently as directed, regarding money that is presumed to have been abandoned to the Chief of Police and the City department responsible for auditing property. The Logistics Director may deposit such money in compliance with existing laws upon receipt of proper authorization from the Chief of Police.

#### **801.7 RELEASE OF PROPERTY**

The Investigative Bureau or authorized designee shall authorize the release of all property coming into the care and custody of the Department. The Property and Evidence Manager, Evidence Custodian or authorized designee may release found property, or evidence ordered released

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### *Property and Evidence Records Bureau*

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by the court. No property should be released from the Records Bureau without documented authorization.

Release of property shall be made upon receipt of an authorized property release form, listing the name and address of the person to whom the property is to be released, or a copy of their driver's license (recommended). The property release form shall be signed by the authorizing supervisor or investigator or authorized designee and must conform to the items listed on the receipt and verified in Data Force. Release of all property shall be documented in Data Force and a PDF copy of the Release form should be attached and marked released to the case file.

Firearms or ammunition should only be released upon presentation of valid identification and authorized documents showing that the individual may legally possess the item. A Triple III must be run prior to its release (see the Release of Firearms in Storage subsection below).

All reasonable attempts shall be made to identify the rightful owner of found property and items held for safekeeping.

Found property and property held for safekeeping shall be retained for the period of time required by law. During such period, Property and Evidence members shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. The final disposition of all such property shall be fully documented in Data Force on the property control card.

A Property and Evidence Manager, Evidence custodian or authorized designee shall release such property when the owner presents proper identification and an authorized property release form has been received. The signature of the person receiving the property shall be recorded on the Release form. A data entry in Data Force will be made by the Property and Evidence Manager, Evidence Custodian, or authorized designee as a permanent record for the chain of custody of its release property control card.

If any item listed on a property control card has not been released, the property control card will remain with the Records Bureau. When all property listed on the card has been released, the card shall be forwarded to the Records Bureau for filing with the case, and the release of all items shall be documented in the property log.

#### 801.7.1 DISCREPANCIES

The Shift Supervisor shall be notified whenever a person alleges that there is a shortage or discrepancy regarding his/her property. The person alleging a discrepancy or shortage of his/her property may complete a Citizen Complaint form that will be forwarded to the Office of Professional Standards for further investigation. The Shift Supervisor will interview the person claiming the shortage. The Shift Supervisor shall ensure that a search for the alleged missing items is completed and shall attempt to prove or disprove the claim.



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### *Property and Evidence Records Bureau*

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#### 801.7.2 DISPUTED CLAIMS TO PROPERTY

Occasionally, more than one party may claim an interest in property being held by this department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or establishes an undisputed right to the property.

All parties should be advised that their claims are civil. In extreme situations, legal counsel for this department should be contacted.

#### 801.7.3 FIELD RELEASE OF PROPERTY

Members may release certain property or evidence in the field to the lawful owner if the property or evidence can be sufficiently documented with photography or other recording mechanism and release of the item will not compromise the case. Prior to release of any evidence, a property form should be completed as provided for in this policy.

The release of any evidence should be documented on a property release form, which should include the signature of the recipient of the item as proof of the release. If the recipient refuses to sign for the item, the return should be audio/video recorded.

#### 801.7.4 RELEASE OF FIREARMS IN STORAGE

The property clerk shall facilitate the release and return of a stored firearm to the individual or a responsible third party upon receipt of a court order requiring return of a firearm that has been held in storage at the Department or at a department-contracted storage facility (I.C. § 35-47-14-3; I.C. § 35-47-14-6; I.C. § 35-47-14-10).

### **801.8 DESTRUCTION OR DISPOSAL OF PROPERTY**

An authorized Investigative Bureau investigator or supervisor shall approve the destruction or disposal of all property held by this department.

All property not held for evidence in a pending criminal investigation or proceeding may be destroyed or disposed of in compliance with existing laws upon receipt of proper authorization from a supervisor or a dissemination request authorized by the prosecutor's office. The disposition of all property shall be entered in Data Force by the Manager of Property and Evidence.

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law, unless a different disposition is ordered by a court:

- Weapons or devices declared by law to be illegal to possess
- Controlled substances/narcotics or dangerous drugs declared by law to be illegal to possess without a legal prescription

#### 801.8.1 BIOLOGICAL EVIDENCE

The Manager of Property and Evidence shall ensure that no biological evidence held by this department is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney

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- (c) The appropriate prosecutor and Attorney General
- (d) Any sexual assault victim (I.C. § 16-21-8-10)
- (e) The Support Division Chief
- (f) The victim services division of the Indiana Criminal Justice Institute (Division)

Biological evidence should be retained for a minimum of one year after the date the sample is placed in secure storage (period established by law in I.C. § 16-21-8-10), the expiration of the applicable statute of limitations, or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on this department within 90 days. A record of all certified mail receipts should be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Support Division Chief.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Biological evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations. Even after expiration of the applicable statute of limitations, the Support Division Chief should be consulted and the sexual assault victim should be notified.

#### **801.8.2 MARIJUANA**

At the first sign of mold growth, stored marijuana shall be photographed showing the mold growth. As soon as practicable, the Property and Evidence manager or authorized designee shall make efforts to lawfully destroy the contaminated marijuana, in compliance with this policy. The Property and Evidence manager or authorized designee should consult with the member assigned to the case investigation for authorization to destroy the remaining marijuana, after taking representative samples, and should request assistance from the appropriate prosecutor in obtaining a court order for immediate destruction.

#### **801.8.3 BIOLOGICAL EVIDENCE FROM SEXUAL ASSAULT CASES**

The Department should provide status and storage updates to the Division, such as when a sample is returned or removed from the Records Bureau, via the web-based claims reimbursement and sexual assault examination kit tracking system (I.C. § 16-21-8-10; I.C. § 16-21-8-12).

### **801.9 INSPECTIONS, INVENTORIES AND AUDITS OF THE PROPERTY AND EVIDENCE ROOM**

The Support Division Chief shall ensure that periodic, unannounced inspections of the Property and Evidence room operations and storage facilities are inspected for compliance with applicable policies and procedures, including periodic unannounced inspections. The Support Division Chief shall also ensure that audits are conducted as directed by the Chief of Police.

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Inspections and audits should be conducted by a member of this department who is not routinely or directly connected with the Property and Evidence room operations. Whenever there is a change of assignment for any member with authorized access to the Property and Evidence room, an inventory of all property shall be conducted by a person who is not associated with the Property and Evidence room or its function. This is to ensure that all property is accounted for and the records are correct.

The results of all inspections and audits should be documented and forwarded to the Chief of Police.

#### 801.9.1 TIMING

Unannounced inspections should occur at least twice per year.

Audits, including an inventory, should occur at least annually.

Whenever there is a change of assignment for any member with authorized access to the Property and Evidence room, an inventory of all property shall be conducted to ensure that all property is accounted for and records are correct.

#### **801.10 RECORDS BUREAU MANAGEMENT RESPONSIBILITIES**

The Support Division Chief is responsible for the management of the Records Bureau. The Support Division Chief should designate a Manager of Property and Evidence to assist with documenting, classifying, storing, tracking and disposing of property received by or managed by the Records Bureau.

The Support Division Chief should ensure:

- (a) Procedures are established to preserve the safety, security and chain of custody for all property received or handled by the Records Bureau.
- (b) Property and evidence facilities include:
  - (a) A package, submission and intake area separate from the secure storage area.
  - (b) Separate secure storage areas for controlled substances/narcotics and dangerous drugs, firearms, cash and hazardous materials.
  - (c) Adequate ventilation systems to manage air quality around controlled substances/narcotics and dangerous drugs and hazardous materials areas.
  - (d) Adequate freezer storage with temperature controls that include remote notification or an alarm system.
  - (e) A secure area for drying moist items (e.g., items stained with bodily fluids) before packaging.
  - (f) An orderly system for numbering and storing property/evidence being retained by the property room should be provided.

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- (c) Facility security and access control, including separate secure access (which may include video surveillance) for controlled substances/narcotics and dangerous drugs, firearms and cash storage areas.
- (d) Emergency planning, to include consideration of emergency response (e.g., hazardous spills, fires, floods), protective equipment for personnel, lighting, ventilation and the continuity of operations if the facility must be evacuated or moved.
- (e) Procedures are established for packaging, submission, storage and disposition of all property, as well as items requiring special packaging such as:
  - 1. Bicycles
  - 2. Biological items
  - 3. Cash
  - 4. Controlled substances/narcotics and dangerous drugs
  - 5. Explosives, ammunition and fireworks
  - 6. Firearms and other weapons
  - 7. Hazardous or flammable substances
  - 8. Homicide evidence
  - 9. Motor vehicles
  - 10. Sharps
  - 11. Items requiring refrigeration or freezing
- (f) Appropriate property management forms and automated systems are developed and available as appropriate.
- (g) Procedures for conducting inventories are developed.
- (h) Issues identified through any audits or inspections are appropriately addressed.

## Records Bureau

### 802.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the South Bend Police Department Records Bureau. The policy addresses department file access and internal requests for case reports.

### 802.2 POLICY

It is the policy of the South Bend Police Department to maintain department records securely, professionally and efficiently.

### 802.3 FILE ACCESS AND SECURITY

The security of files in the Records Bureau must be a high priority and shall be maintained as mandated by state or federal law. All case reports including, but not limited to, initial, supplemental, follow-up, evidence and any other reports related to a police department case, including criminal history records and publicly accessible logs, shall be maintained in a secure area within the Records Bureau, accessible only by authorized members of the Records Bureau.

The Records Bureau will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

#### 802.3.1 ORIGINAL CASE REPORTS

Original case reports shall not be removed from the Records Bureau.

#### 802.3.2 COMPUTERIZED RECORDS

The Director of Records is designated as the administrator of the computerized central records system and should develop security measures for the protection of computerized records maintained by the Records Bureau, including:

- (a) Restricted access to the computerized system with the use of passwords.
- (b) Physical protections for computers and/or servers.
- (c) Procedures for data-backup and recovery, if needed.

### 802.4 CONFIDENTIALITY

Records Bureau staff has access to information that may be confidential or sensitive in nature. Records Bureau staff shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether in hard copy or electronic file format, or any other confidential, protected or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Bureau procedure manual.

## 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 South Bend Police Department is committed to providing public access to records in a manner that is consistent with the Indiana Public Records Act (I.C. § 5-14-3-1, et seq.).

### 803.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police shall designate a Custodian of Records. 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.
- (b) Maintaining and updating the department records retention schedule, including:
  1. Identifying the minimum length of time the Department must keep records.
  2. Identifying the department division responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records and to regulating any material interference with the regular discharge of the functions or duties of the Department and its members (I.C. § 5-14-3-7).
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring the availability of a current schedule of fees for public records as allowed by law is available (I.C. § 5-14-3-8).
- (g) Ensuring a daily log is maintained that lists suspected crimes, accidents or complaints and makes available information relating to arrests, summons and jailed persons as required by I.C. § 5-14-3-5.

### 803.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for public records shall route the request to the City Attorney's Office. Personnel records requests shall be directed to the office of the Chief of Police and forwarded to the City Attorney's Office.

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#### 803.4.1 REQUESTS FOR RECORDS

The processing of requests for any record is subject to the following:

- (a) All requests for public records shall be in writing or on a form supplied by the Department and shall identify with reasonable particularity the record being requested (I.C. § 5-14-3-3).
- (b) A written acknowledgment shall be provided to the requester within seven business days. If the requestor is present, a written acknowledgment must be given within 24 business hours.
- (c) After receiving authorization from City Legal and within a reasonable time after the request, the Custodian of Records or the authorized designee shall make records or copies available to the requester as provided by I.C. § 5-14-3-3.
- (d) Copies of electronic data may be provided in the medium requested if it is compatible with the department's system (I.C. § 5-14-3-3).
- (e) The Department is not required to create records that do not exist.
- (f) 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 (I.C. § 5-14-3-6).
  - 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/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.

#### 803.4.2 DENIALS

The denial of a written request for records is provided by the City Legal Office.

#### 803.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Any personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver's license record, motor vehicle record, or any department record, including traffic accident reports, is 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; I.C. § 5-14-3-4).
- (b) Personnel files and files of applicants except for names; compensation; job title; business address and telephone number; job description; education and training background; previous work experience or dates of first and last employment of present or former members; and the factual basis for a disciplinary action in which final action has been taken and that resulted in the member being suspended, demoted, or discharged (I.C. § 5-14-3-4).

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1. Job titles and job descriptions of officers shall remain confidential (I.C. § 5-14-3-4.3).
  2. The home address, telephone number, and contact information of an officer shall remain confidential (I.C. § 5-14-3-4(b)(19)).
  3. If an officer is operating undercover, the name, compensation, business address and telephone number, education and training background, previous work experience, or dates of first employment shall also remain confidential.
  4. Business address and telephone number, education and training background, previous work experience, or dates of first employment shall also remain confidential.
- (c) Records that are either intra-agency/interagency advisories or deliberative material that are expressions of opinion or of a speculative nature and that are communicated for the purpose of making a decision (I.C. § 5-14-3-4).
- (d) Work product of an attorney for the Department (I.C. § 5-14-3-4).
- (e) Administrative or technical information that would jeopardize a record keeping or security system (I.C. § 5-14-3-4).
- (f) The telephone number and address of a complainant contained in department records except if the address is the location of the suspected crime, infraction, accident, or complaint reported (I.C. § 5-14-3-4).
- (g) Records requested by an offender that contain personal information about a correctional officer, law enforcement officer, judge, the victim of a crime, or a family member of any of the preceding (I.C. § 5-14-3-4).
- (h) Certain law enforcement juvenile-related records (I.C. § 31-39-3-4).
- (i) Investigatory records (I.C. § 5-14-3-2(i); I.C. § 5-14-3-4).
- (j) Criminal intelligence information (I.C. § 5-14-3-2(c); I.C. § 5-14-3-4).
- (k) Certain types of reports involving but not limited to child abuse and molestation (I.C. § 31-33-18-1; I.C. § 31-33-18-2) and endangered adult abuse (I.C. § 12-10-3-15).
- (l) Personal identifying information submitted by a person to obtain or renew a license to carry a handgun, or information obtained by a federal, state, or local government entity in the course of an investigation concerning a person who applies to obtain or renew a license to carry a handgun (I.C. § 35-47-2-3).
- (m) Audio, visual, or audiovisual recordings of law enforcement activities captured by a body-worn camera or MAV system (I.C. § 5-14-3-4):
1. If disclosure of any law enforcement recording is required under I.C. § 5-14-3-5.1 or I.C. § 5-14-3-5.2, the Director of Records should ensure applicable portions are obscured as required, before releasing the recordings.
- (n) A recording that has captured information about airport security, procedures, areas, or systems, unless there is approval by an appropriate public agency.



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### *Records Maintenance and Release*

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- (o) A record assembled, prepared, or maintained to prevent, mitigate, or respond to an act of terrorism, including a record which, if released, would have a reasonable likelihood of threatening public safety by exposing a vulnerability of locations or structures to a terrorist attack (I.C. § 5-14-3-4(b)(19)).
- (p) Any other information that may be appropriately denied by those records declared confidential by a rule adopted by the Department granted by statute, state statute, rules adopted by the Indiana Supreme Court, or federal law (I.C. § 5-14-3-4).

#### **803.6 SUBPOENAS AND DISCOVERY REQUESTS**

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact the City Legal Department and the Property and Evidence Manager or authorized designee 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's Office or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to the City Attorney's Office 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**

Sealed records and expungement orders received by the Department shall be reviewed for appropriate action by the Custodian of Records. Records may include, but are not limited to, a record of arrest, investigation, detention or conviction.

The Custodian of Records shall expunge such records as ordered by the court. Once expunged, members shall respond to any inquiry as though the record did not exist (I.C. § 35-38-9-6).

A court order that requires records to be marked as expunged shall be clearly and visibly marked by the Custodian of Records. These records shall remain public records (I.C. § 35-38-9-7).

Sealed records shall be concealed from the public but may be shared with other law enforcement agencies.

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## 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 South Bend 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 South Bend Police Department and is subject to any access or release restrictions imposed by law, regulation, order, Working Agreement, 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 South Bend 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, generally the Director of Records or authorized designee, 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), Bureau of Motor Vehicles (BMV) records and the Indiana Data and Communications System (IDACS).
- (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.

#### **804.4 ACCESS TO PROTECTED INFORMATION**

Protected information shall not be accessed in violation of any law, order, regulation, Working Agreement, user agreement, South Bend 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.

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, discipline and/or criminal prosecution.

#### **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 Director of Records 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 Bureau 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.

The responsibilities of this position include, but are not limited to:

- (a) Developing and maintaining security practices, procedures and training.

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- (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).

## 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 POLICY

It is the policy of the South Bend 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.

### 805.3 ANIMAL CARE AND CONTROL RESPONSIBILITIES

Animal control services are generally the primary responsibility of Animal Care and Control (ACC) and include the following:

- (a) Animal-related matters during periods when ACC is available.
- (b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that ACC is available for investigation and resolution.
- (c) Follow-up on animal-related calls, such as locating owners of injured animals.

### 805.4 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture or pick up any animal, but should keep the animal under observation until the arrival of ACC officers.

Members may consider acting before the arrival of such assistance when:

- (a) There is a threat to public safety.
- (b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.
- (c) An animal is creating a traffic hazard.
- (d) An animal is seriously injured.
- (e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal or contact ACC.

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1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
2. With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
3. If no person can be found or the owner does not or cannot give consent, the officer should contact Animal Care and Control.

#### **805.5 ANIMAL CRUELTY COMPLAINTS**

Laws relating to the cruelty to animals should be enforced, including but not limited to Abandonment or Neglect of Vertebrate Animals (I.C. § 35-46-3-7); Beating Vertebrate Animals (I.C. § 35-46-3-12); Domestic Violence Animal Cruelty (I.C. § 35-46-3-12.5); Purchase or Possession of Animals for Fighting Contests (I.C. § 35-46-3-8).

#### **805.6 ANIMAL BITE REPORTS**

Members investigating an animal bite should obtain as much information as possible for follow-up by ACC. If ACC is not yet on scene, efforts should be made to capture or otherwise have the animal placed under control to turn over to ACC.

#### **805.7 STRAY DOGS**

If the dog has not bitten anyone or seems to threaten the safety of the public, the officer shall contact ACC.

#### **805.8 DANGEROUS ANIMALS**

In the event responding members face an animal that is difficult or appears dangerous, the member should contact ACC, stay on scene to warn others to stay away from the animal, and keep the animal within eyesight so that the member may easily direct ACC to the animal.

#### **805.9 PUBLIC NUISANCE CALLS RELATING TO ANIMALS**

Members should direct the public to contact ACC to address calls related to nuisance animals (e.g., barking dogs), as such calls may involve significant quality-of-life issues.

#### **805.10 DECEASED ANIMALS**

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity. The member shall also contact ACC and inform them of the animal.

Members who find a deceased animal on public property should make all reasonable attempts to make a preliminary determination if the death of the animal is related to criminal activity and contact the ACC or the Street Department for removal.

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Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

#### **805.11 INJURED ANIMALS**

When a member becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact an owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a designated animal care facility.

#### **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.

#### **805.13 DISEASED ANIMALS**

Officers shall provide assistance, as requested to the Indiana State Board of Animal Health, the state veterinarian, a county veterinarian or an agent of the U.S. Department of Agriculture (I.C. § 15-17-19-1).

## Part-Time Officers

### 806.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the authority, duties, responsibilities and requirements for Part-Time Police Officers (PTO) with the South Bend Police Department.

The department recognizes that it loses valuable resources through the retirement of its veteran police officers of all ranks. Many of them maintain a strong interest in law enforcement and even seek appointments as reserve police officers or sheriff's deputies with other agencies in the immediate area.

### 806.2 POLICY

It is the policy of this department to maintain a PTO program. Through this program, the department hopes to retain the services of some of these retiring officers on a limited basis to improve organizational effectiveness and efficiency and to enhance public safety.

### 806.3 REQUIREMENTS

Only individuals who meet the following criteria are eligible to be a Part-Time Officer with the South Bend Police Department:

- (a) Retired from the South Bend Police Department, in good standing and
- (b) Are under the age and years-of-service provisions of PERF/INPRS, or
- (c) Separated from the department in good standing after serving a minimum of 10 years.
- (d) Part-time officers shall resign by age 70 in accordance with I.C. § 10-12-3-3.

Part-time officers shall be used to supplement, not supplant, the department's full-time law enforcement personnel. They will not be used to satisfy minimum staffing requirements set by contract, nor will they be used whenever full-time law enforcement personnel are laid off.

Part-time officers shall be provided Workers Compensation coverage and liability protection by the South Bend Police Department while in the performance of their assigned duties.

### 806.4 APPLICATION AND APPOINTMENT

- (a) Qualified candidates for part-time officer should apply through the Applicant Tracking System for appointment to the program.
  - 1. If there has been no break in service with the South Bend Police Department, an application and a memorandum requesting appointment will be sufficient.
  - 2. If there has been a break in service, then a completed Application for Employment will be required, along with approval by the Board of Public Safety.
- (b) Part-time officer candidates who had a separation of service from the South Bend Police Department may be subject to a physical assessment prior to beginning service as a part-time officer.



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(c) Background investigation:

1. If there has been no break in service, a review of the employee's personnel file will be sufficient.
2. If there has been a break in service, a background investigation, to include contacts with personal and professional references and recent employers as well as checks of criminal and credit history information and prior disciplinary record, may be required.

(d) Appointment:

1. If there has been no break in service with the South Bend Police Department, then the Chief of Police will notify the Board of Public Safety to change the employment status of the applicant to "Part-Time Police Officer" on the effective date of retirement from full-time employment.
2. If there has been a break in service, the employee must be appointed by action of the Board of Public Safety and must be sworn in by the Clerk or authorized designee.

#### **806.5 SELECTION AND RETENTION**

Selection and retention of part-time officers shall be at the discretion of the Chief of Police. Part-time officers are not covered by any of the collective bargaining agreements and shall have not recourse through the grievance procedure in disciplinary matters or any other dispute.

#### **806.6 DUTIES AND RESPONSIBILITIES**

- Part-time officers may be assigned any of the duties of full-time sworn officers and at the discretion of the Chief of Police or the authorized designee.
- During working hours, part-time officers shall have the same authority and responsibility under the law as any other full-time sworn officer of the South Bend Police Department. At the direction of a supervisor, Part-time officers may be assigned to perform any of the same or similar tasks and duties as any other officer.
- Part-time officers shall maintain the standards of conduct and training as established by the State of Indiana and the South Bend Police Department. They shall be subject to this directive as well as the Rules and Regulations governing full-time police officers and the General Rules and Regulations of the Police Department.
- Typical assignments of part-time officers may include, but are not limited to:
  - Traffic and crowd control at emergencies or special events.
  - Crime prevention and community relations.
  - Advice and assistance on investigations within their areas of expertise.
  - Supplemental patrol staffing, either solo or with another officer.
  - Providing training within their areas of expertise.
  - Training Bureau.

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### *Part-Time Officers*

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- Other duties as assigned.
- Part-time officers shall take no enforcement action while off-duty except in an emergency to prevent imminent harm to persons or property. In such cases where action is taken, he/she shall immediately notify the appropriate law enforcement agency and the on-duty SBPD supervisor. Otherwise, his/her role should be that of a trained witness, and he/she shall report their observations to the appropriate agency.
- Part-time officers shall have no police authority while off-duty, and shall not wear any article of clothing/paraphernalia that would identify them as a South Bend Police Officer while engaged in employment with other entities/employers.

#### **806.6.1 REPORTING FOR DUTY**

Part-time officers may:

- (a) Be called out on the authority of a supervisor in the event of an emergency.
- (b) Be scheduled by the PTO Liaison for duty on a particular day and time.

Part-time officers must notify a supervisor upon reporting for duty and must again notify a supervisor upon reporting off-duty.

#### **806.7 UNIFORMS AND EQUIPMENT**

Part-time officers shall wear the same uniform and carry the same equipment as a patrolman of the South Bend Police Department, as appropriate for the specific assignment.

Part-time officers will be provided with sufficient uniforms and equipment to perform their duties.

#### **806.8 TRAINING**

- (a) Part-time officers shall qualify with their firearms at least annually or more often if required by state or department standards for police officers.
- (b) Part-time officers shall attend such other in-service training as may be scheduled by the department.
- (c) The Department will assist in providing opportunities in accordance with Indiana law for annual, in-service training. Maintaining police certification through the State of Indiana will remain the responsibility of each individual PTO.

## **Chapter 9 - Custody**

## Temporary Custody of Adults

### 900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the South Bend Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

#### 900.1.1 DEFINITIONS

Definitions related to this policy include:

**Holding cell/cell** - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

**Safety checks** - Direct, visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

**Temporary custody** - The period an adult is in custody at the South Bend Police Department prior to being released or transported to a housing or other type of facility.

### 900.2 POLICY

The South Bend Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

### 900.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than six hours.

#### 900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the South Bend Police Department, but should be transported to a jail facility, a medical facility or other type of facility as appropriate. These include:

- (a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.
- (b) Any individual who has a medical condition, including pregnancy, that may require medical attention, supervision or medication while in temporary custody.
- (c) Any individual who is seriously injured.

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### *Temporary Custody of Adults*

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- (d) Individuals who are a suspected suicide risk (see the Involuntary Detention Policy).
  - 1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or a transfer to an appropriate facility is completed.
- (e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.
- (f) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (g) Any individual who has exhibited extremely violent or continuously violent behavior.
- (h) Any individual who has claimed, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk.
- (i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

#### 900.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability.

When practicable, at least one female department member should be present when a female adult is in temporary custody.

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

#### 900.3.3 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

- (a) Authorized members entering for official business purposes.
- (b) Emergency medical personnel when necessary.
- (c) Any other person authorized by the Shift Supervisor.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

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#### 900.3.4 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

- (a) Authorized members entering for official business purposes.
- (b) Emergency medical personnel when necessary.
- (c) Any other person authorized by the Shift Supervisor.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

#### **900.4 INITIATING TEMPORARY CUSTODY**

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

The receiving officer should ask the arresting officer if there are any statements, indication or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, he/she shall be transported to the County jail or the appropriate mental health facility.

The officer should promptly notify the supervisor of any conditions that may warrant immediate medical attention or other appropriate action. The supervisor shall determine whether the individual will be placed in a cell, immediately released or transported to jail or another facility.

#### 900.4.1 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall:

- (a) Advise the supervisor of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).
- (b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:
  - 1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.
  - 2. Provide an individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
    - (a) Continuous, direct sight and sound supervision.
    - (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.

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### *Temporary Custody of Adults*

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3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
  4. Ensure males and females are separated by sight and sound when in cells.
  5. Ensure restrained individuals are not placed in cells with unrestrained individuals.
- (c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.
- (d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

#### 900.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Patrol Division Chief will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

- (a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.
1. This notification should be documented.
- (b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
1. If the country is on the mandatory notification list, then:
    - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
    - (b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.
    - (c) Forward any communication from the individual to his/her consular officers without delay.
    - (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
  2. If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:

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- (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
- (b) Forward any communication from the individual to his/her consular officers without delay.

## **900.5 SAFETY, HEALTH AND OTHER PROVISIONS**

### 900.5.1 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

- (a) Safety checks and significant incidents/activities are noted in the police report.
- (b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.
  - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
  - 2. This does not apply to surreptitious and legally obtained recorded interrogations or interviews.
- (c) There is reasonable access to toilets and wash basins.
- (d) There is reasonable access to a drinking fountain or water.
- (e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (f) There is privacy during attorney visits.
- (g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (h) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
- (i) Adequate furnishings are available, including suitable chairs or benches.

### 900.5.2 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members. At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.



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Those who require medication while in temporary custody should not be at the South Bend Police Department. They should be released or transferred to another facility as appropriate.

#### 900.5.3 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the supervisor shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

#### 900.5.4 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

#### 900.5.5 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

#### 900.5.6 MEDICATION

In the event that a detainee requiring medication cannot be released or transferred to another facility, a medical examination shall be obtained. Only medication approved by the medical professional conducting the examination may be provided to the person. This includes any medication in the possession of the detainee or provided by a friend or relative. The medications shall be dispensed by an officer as directed by the medical professional conducting the examination.

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The directions relating to the dispensing of the medication will be maintained with the medication and a copy retained with the booking record. The medication will be kept secure in the medication cabinet (or securely refrigerated, if necessary) and transferred with the detainee or provided to the detainee on release.

A notation on the log will be made listing the type, date and time of any dispensing of medication. The notation will be signed by the officer dispensing the medication.

Officers will observe the person take the medication. If the medication is not taken as directed, a supervisor shall be immediately notified.

#### **900.6 USE OF RESTRAINT DEVICES**

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the South Bend Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

##### **900.6.1 PREGNANT ADULTS**

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

#### **900.7 PERSONAL PROPERTY**

The personal property of an individual in temporary custody should be removed, inventoried, recorded and documented on the appropriate report as provided in the Custodial Searches Policy, unless the individual requests a different disposition. Upon release of an individual from temporary custody, the release of the property shall be documented on the appropriate report and/or a recorded. A request for the release of property to another person must be made in writing or recorded. Release of the property requires the recipient's signature on the appropriate form.

The supervisor shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The supervisor shall attempt to prove or disprove the claim.

#### **900.8 INTERVIEW ROOM**

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

The following requirements shall apply:

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- (a) The individual shall be searched (see the Custodial Searches Policy) and 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 individual shall constantly be monitored by an audio/video system during the entire custody.
- (c) The individual shall have constant auditory access to department members.
- (d) The individual's initial placement into and removal from a locked enclosure shall be logged.
- (e) Safety checks by department members shall occur no less than every 15 minutes.
  - 1. Safety checks should be at varying times.
  - 2. All safety checks shall be recorded on the appropriate report.
  - 3. The safety check should involve questioning the individual as to his/her well-being.
  - 4. Individuals who are sleeping or apparently sleeping should be awakened.
  - 5. Requests or concerns of the individual should be recorded on the appropriate report.

#### **900.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY**

The Investigative Division Chief or authorized designee will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the South Bend Police Department. The procedures should include:

- (a) Immediate request for emergency medical assistance if appropriate.
- (b) Immediate notification of the supervisor and Chief of Police.
- (c) Notification of the spouse, next of kin or other appropriate person.
- (d) Notification of the appropriate prosecutor.
- (e) Notification of the city Attorney.
- (f) Notification of the Coroner.
- (g) Evidence preservation.

#### **900.10 RELEASE AND/OR TRANSFER**

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

- (a) All proper reports have been completed prior to release.
- (b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.

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- (c) It has been confirmed that the correct individual is being released or transported.
- (d) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.
- (e) If available, all pertinent documentation accompanies the individual being transported to another facility (copies of booking forms, medical records, an itemized list of his/her property, warrant copies).
- (f) The individual is not permitted in any nonpublic areas of the South Bend Police Department unless escorted by a member of the Department.
- (g) Any known threat or danger the individual may pose (escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.
  - 1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.
- (h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.
- (i) Transfers between facilities or other entities, such as a hospital, shall be recorded on the Mobile Video Recorder when available.

#### **900.11 ASSIGNED ADMINISTRATOR**

The Investigative Division Chief or authorized designee will ensure any reasonably necessary supplemental procedures are in place to address the following issues:

- (a) General security
  - 1. Areas used for temporary custody, including any cell areas, should be inspected for safety hazards and contraband at the beginning of each shift.
- (b) Key control
- (c) Sanitation and maintenance
- (d) Emergency medical treatment
- (e) Escapes
- (f) Evacuation plans
- (g) Fire and life-safety

## Temporary Custody of Juveniles

### 901.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the South Bend Police Department (34 USC § 11133). Refer to Juvenile Operations Procedures for further direction concerning the temporary custody of juveniles.

#### 901.1.1 DEFINITIONS

Definitions related to this policy include:

**Juvenile non-offender** - An abused, neglected, dependent, or alien juvenile who may be legally held for 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) (I.C. § 31-37-1-2). It also includes an offense for possession of a handgun (I.C. § 35-47-10-5; 28 CFR 31.303).

**Non-secure custody** - When a juvenile is held in the presence of an officer or other department member at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation.

**Safety checks** - Direct visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of juveniles in temporary custody.

**Secure custody** - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object.

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile handcuffed to a rail.
- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (d) A juvenile being processed in a secure booking area when a non-secure booking area is available.
- (e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

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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 of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.

#### **901.2 POLICY**

The South Bend Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and to keeping juveniles safe while in temporary custody at the Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for contacting parents or guardians, transferring to the Juvenile Justice Center (JJC) or release.

#### **901.3 JUVENILES WHO SHOULD NOT BE HELD**

Juveniles who exhibit certain behaviors or conditions should not be held at the South Bend Police Department. These include:

- (a) Unconsciousness or having been unconscious while being taken into custody or transported.
- (b) Serious injuries or a medical condition requiring immediate medical attention.
- (c) A suspected suicide risk or showing obvious signs of severe emotional or mental disturbance (see the Involuntary Detentions Policy).
  - 1. If the officer taking custody of a juvenile believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or transfer to an appropriate facility is completed.
- (d) Significant intoxication or showing signs of having ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (e) Extremely violent or continuously violent behavior.
- (f) Afflicted with, or displaying symptoms of, a communicable disease that poses an unreasonable exposure risk.

Officers taking custody of a juvenile exhibiting any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and should notify a supervisor of the situation. These juveniles should not be held at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

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#### **901.4 CUSTODY OF JUVENILES**

No juvenile should be held in temporary custody at the Department without authorization of the officer's supervisor or the Shift Supervisor. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile's parent, legal guardian or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable. In no event shall a juvenile be held beyond six hours from the time of his/her entry into the Department (34 USC § 11133; I.C. § 31-37-7-2).

##### **901.4.1 CUSTODY OF JUVENILE NON-OFFENDERS**

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the South Bend Police Department. The Department of Child Services shall be contacted immediately if child abuse is suspected. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (34 USC § 11133).

##### **901.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS**

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (34 USC § 11133).

##### **901.4.3 CUSTODY OF JUVENILE OFFENDERS**

Juvenile offenders should be held in non-secure custody while at the South Bend Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Juvenile offenders may be taken into custody under the following circumstances:

- (a) Pursuant to a court order (I.C. § 31-37-4-1).
- (b) The child is unlikely to appear before the juvenile court for subsequent proceedings.
- (c) When the officer has probable cause to believe that the juvenile has committed an act that would subject an adult to an arrest (I.C. § 31-37-1-2; I.C. § 31-37-4-2).
- (d) The detention is essential to protect the child or the community.

#### **901.5 ADVISEMENTS**

When a juvenile is taken into custody for an offense that would warrant the arrest of an adult, the officer shall notify the superintendent of the school district in which the juvenile is enrolled, or if the juvenile is enrolled in a private school, the chief administrative officer of the juvenile's school, within 48 hours. The officer should notify the school official of the reasons the juvenile

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### *Temporary Custody of Juveniles*

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was taken into custody, but may not disclose information that is confidential under state or federal law (I.C. § 31-37-4-3).

#### **901.6 NO-CONTACT REQUIREMENTS**

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the South Bend Police Department (34 USC § 11133; I.C. § 31-37-7-2). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Department shall maintain a constant, immediate, side-by-side presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

#### **901.7 TEMPORARY CUSTODY REQUIREMENTS**

Members and supervisors assigned to monitor or process any juvenile at the South Bend Police Department shall ensure:

- (a) The appropriate supervisor is notified if it is anticipated that a juvenile may need to remain at the Department more than four hours. This will enable the supervisor to ensure no juvenile is held at the Department more than six hours.
- (b) Safety checks shall be conducted and significant incidents/activities shall be noted on the appropriate report.
- (c) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.
  - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
  - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (d) A member of the same sex will supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (e) There is reasonable access to toilets and wash basins.
- (f) There is reasonable access to a drinking fountain or water.
- (g) Food is provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.
- (h) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (i) There is privacy during family, guardian and/or attorney visits.



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- (j) Juveniles are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (k) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
- (l) Adequate furnishings are available, including suitable chairs or benches.
- (m) Discipline is not administered to any juvenile, nor will juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse.

#### **901.8 USE OF RESTRAINT DEVICES**

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the South Bend Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative, threatening, or the officer can justify a need for restraints.

Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

##### **901.8.1 PREGNANT JUVENILES**

Juveniles who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

#### **901.9 SECURE CUSTODY**

Except under extenuating circumstances, only juvenile offenders 14 years of age or older may be placed in secure custody. Supervisory approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others.

Members of this department should not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option.

When practicable, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody. A member must be present at all times to ensure the juvenile's safety while secured to a stationary object.

Generally, juveniles should not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter. Supervisor approval should be documented.

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#### 901.9.1 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) If there is concern of a suicide risk, objects such as 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) Unscheduled safety checks by department members shall occur no less than every 15 minutes.
  - 1. All safety checks shall be conducted and noted in the report.
  - 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 noted in the report.
- (e) Males and females shall not be placed in the same locked room.
- (f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (g) Restrained juveniles shall not be placed in a cell or room with unrestrained juveniles.

#### **901.10 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY**

The Support Division Chief will ensure procedures are in place to address any suicide attempt, death or serious injury of any juvenile held at the South Bend Police Department. The procedures should include the following:

- (a) Immediate request for emergency medical assistance if appropriate.
- (b) Immediate notification of the Shift Supervisor, Chief of Police and Support Division Chief.
- (c) Notification of the County Metro Homicide Unit.
- (d) Notification of the parent, guardian or person standing in loco parentis of the juvenile.
- (e) Notification of the appropriate prosecutor.
- (f) Notification of the City Attorney.
- (g) Notification of the Coroner.

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- (h) Notification of the juvenile court.
- (i) Evidence preservation.

#### **901.11 INTERVIEWING OR INTERROGATING**

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent, to an interview or interrogation. Also that an attorney, parent or guardian with no interest adverse to the child has been advised of the reason the juvenile has been taken into custody, and has consented to the interview or interrogation. The juvenile must also knowingly and voluntarily consent to the interview or interrogation (I.C. § 31-32-5-1).

##### **901.11.1 RECORDING INTERROGATIONS**

Custodial interrogations of juveniles that take place at the South Bend Police Department or other place of detention shall be audio and video recorded (Ind. Evid. R. 617; I.C. § 31-30.5-1-2). Audio-only recording is permitted when the interrogation occurs at a non-detention location (e.g., home, school) (I.C. § 31-30.5-1-3). Recordings shall be retained as required by I.C. § 31-30.5-1-4.

#### **901.12 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING**

In compliance with state and case law, all employees of the South Bend Police Department shall adhere to the following protocol regarding fingerprinting and photographing children:

- (a) South Bend Police personnel shall not take photos of juveniles at their discretion and are required to abide by I.C. 31-39-5.
- (b) When a juvenile is in a detention facility, in police custody for a criminal or status offense, suspect in a criminal investigation or some other purpose related to the individual, South Bend Police personnel shall only photograph or fingerprint the juvenile under one of the following conditions:
  - (a) IC 31-39-5-1 - The child is taken into custody for an act that would be a felony if committed by an adult; and the child was at least 14 years of age when the act was allegedly committed.
  - (b) Probable cause - If a child is in police custody or a detention facility and latent fingerprints are found during the investigation of an offense, and if a law enforcement officer has probable cause to believe that they belong to a certain child, the officer may fingerprint that child and compare his fingerprints with the latent fingerprints (IC 31-39-5-3).  
If an officer has a juvenile in custody and there is probable cause that the juvenile has committed a criminal offense but a photograph is needed for identification purposes, then the officer would be justified to take the photo. However, no juvenile may be taken into police custody for the sole purpose of obtaining a photograph or fingerprints unless there is a warrant.
  - (c) Warrant - Police may file an affidavit of probable cause to obtain a warrant for the purpose of detaining a juvenile to obtain a photograph and/or fingerprint the child for identification in a criminal case (Davis v. Mississippi, 394 US 721 (1969)).

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- (d) Parent permission - Officers may take a photograph of a juvenile with the permission of the juvenile's parent or legal guardian. The permission should be documented in a case report.
- (e) Outside source - An officer may obtain a photograph or fingerprint card from an outside source, such as another police agency, detention facility (e.g., county jail, JJC), school photo, parent, etc.
- (c) With the exception of obtaining photographs or fingerprints from an outside source, any time a law enforcement agency takes a juvenile's fingerprints or photograph for the purpose of a criminal investigation, intelligence file on the juvenile or while in police custody for a criminal offense, IC 31-39-5-5 requires that the agency give written notice to the child and his parent, guardian, or custodian of the child's rights under subsection (4). Subsection (4) states:
  - (a) Upon written request of the child or his parent, guardian, or custodian, a law enforcement agency shall destroy or deliver to the child any of the child's fingerprints or photographs taken under section (1) that are within that agency's possession if:
    - (a) The child was taken into custody and no petition was filed against him;
    - (b) The petition was dismissed because of mistaken identity;
    - (c) The petition was dismissed because no delinquent act was actually committed; or
    - (d) The petition was dismissed for lack of probable cause. However, if the child has a record of prior arrests or if another charge is pending against him, the law enforcement agency need not destroy his fingerprints or photographs. EXCEPTION: If a child has a record of prior arrests or if another charge is pending against the child, police do not have to destroy the child's fingerprints or photographs.
  - (b) The South Bend Police Department will comply with I.C 31-39-5-5 by supplying the juvenile and the juvenile's parent, guardian, or custodian a copy of Juvenile Advice of Rights Respecting Fingerprints and Photographs of Juvenile form. A copy of the form shall be submitted to the Records Bureau and attached to the original case.
- (d) Individual officers shall not retain personal files of any photograph or fingerprint card of a juvenile offender unless it is for the purpose of an on-going investigation. At the conclusion of the investigation or upon case closure, the photograph/fingerprint card shall be:
  - 1. Returned to the source; or
  - 2. Submitted to the Property Clerk as evidence; or
  - 3. Destroyed and a record of the action shall be properly documented.
- (e) Except for the Property Room, no division or unit, such as the Records Bureau, Fingerprint Section or Investigative Division, shall house "mug shots" or fingerprints of

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any juvenile. The Property Room will only store juvenile “mug shots” and fingerprint cards for the purpose of evidence.

- (f) Any division or unit that maintains criminal intelligence files on juveniles shall abide by federal and state law.

## Custodial Searches

### 902.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the South Bend Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

#### 902.1.1 DEFINITIONS

Definitions related to this policy include:

**Custody search** - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

**Physical body cavity search** - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

**Strip search** - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

### 902.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

### 902.3 FIELD AND TRANSPORTATION SEARCHES

An officer 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.

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### *Custodial Searches*

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#### **902.4 SEARCHES AT POLICE FACILITIES**

Custody searches shall be conducted on all individuals in custody, upon entry to the South Bend 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 must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

##### **902.4.1 PROPERTY**

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Records Bureau Policy.

All property shall be inventoried by objective description (this does not include an estimated value) and recorded on the appropriate report.

##### **902.4.2 VERIFICATION OF MONEY**

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Refer to the Property and Evidence Procedure concerning the verification of money.

#### **902.5 STRIP SEARCHES**

No individual in temporary custody at any South Bend 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.
- (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.

##### **902.5.1 STRIP SEARCH PROCEDURES**

Strip searches at South Bend Police Department facilities shall be conducted as follows (28 CFR 115.115):

- (a) Authorization from a supervisor shall be obtained prior to the strip search.

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- (b) The member who conducts the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner. A second witness officer shall be present during the strip search.
- (c) All strip searches shall be conducted in a professional manner, in a secure area of privacy so that the search cannot be observed by those not participating in the search. No more than two officers should be present during the strip search unless, based upon specific and articulable facts, additional witness officers are required.
- (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. Authorization for the search, obtained from a supervisor.
  - 4. The name of the individual who was searched.
  - 5. The name and personnel number (PN) of the members who conducted the search.
  - 6. The name, PN and role of any person present during the search.
  - 7. The time and date of the search.
  - 8. The place at which the search was conducted.
  - 9. A list of the items, if any, that were recovered.
  - 10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.
- (g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.

#### 902.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with a supervisor's authorization and only in exceptional circumstances, such as when:



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- (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 a supervisor's authorization does not need to be in writing.

#### **902.6 PHYSICAL BODY CAVITY SEARCH**

Physical body cavity searches shall be subject to the following:

- (a) No individual shall be subjected to a physical body cavity search without approval of a supervisor and only upon a search warrant. A copy of any search warrant and the results of the physical body cavity search shall be made available, upon request, in accordance with state and federal law, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).
- (b) Only medical personnel may conduct a physical body cavity search.
- (c) Except for the medical personnel conducting the search, 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 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. A 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, PNs and roles of any department members present.
  - 8. Any contraband or weapons discovered by the search.

## **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 South Bend 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 South Bend 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, or any other protected class or status. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

### 1000.3 RECRUITMENT

The Training Division should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.
- (e) Employee referral and recruitment incentive programs.
- (f) Consideration of shared or collaborative regional testing processes.

The Department 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.

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#### **1000.4 SELECTION PROCESS**

The Department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, and military record)
- (b) Driving record
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Polygraph, truth telling device, 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 South Bend 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**

The Training Bureau 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

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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.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Human Resources Department should maintain validated standards for all positions.

##### 1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet minimum standards (I.C. § 36-8-3.5-12; I.C. § 36-8-10-10):

- (a) Be a citizen of the United States.

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- (b) Be at least 21 years of age, but less than the maximum age as established by law (currently, 40 years of age).
  - (a) Veterans are exempt from the maximum age restriction (I.C. § 36-8-4.7-5).
- (c) Have obtained a high school degree or a recognized equivalent.
- (d) Be free from any felony convictions or any other crime or series of crimes that would indicate to a reasonable person that the applicant is potentially dangerous, violent, or has the propensity to break the law.
- (e) Demonstrate successful completion of minimum agility and aptitude tests.
- (f) Be free from any physical, emotional, or mental condition that might adversely affect the exercise of police powers.
  - 1. Before a candidate may be selected as an officer, he/she shall be examined by a licensed medical doctor according to the requirements in I.C. § 36-8-8-19 which must include the following:
    - (a) A general medical history.
    - (b) A determination of the candidate's ability to perform the essential functions of the position of officer.
  - 2. Before a candidate may be selected as an officer, he/she must obtain a positive recommendation of emotional and mental fitness.
- (g) Be of good moral character as determined by a thorough background investigation and criminal history investigation.
- (h) Possess a valid driver's license.
- (i) Be fingerprinted for both a state and federal criminal records check.
- (j) Be eligible under federal and Indiana law to possess and carry a firearm.
- (k) The South Bend Police Department may establish additional standards for selection of a candidate for the position of officer pursuant to I.C. § 36-8-3.2-6.

# Change of Assignments, Promotions, and Probationary Periods

## 1001.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for requesting changes in assignments, including special assignments within the South Bend Police Department.

## 1001.2 POLICY

The South Bend Police Department determines assignments and promotions in a non-discriminatory manner based upon merit. Assignments and promotions are made by the Chief of Police.

## 1001.3 SPECIAL ASSIGNMENT POSITIONS

The following positions are considered special assignments and not promotions:

- (a) Special Weapons and Tactics Team member
- (b) Investigator
- (c) K9 handler
- (d) Accident investigator
- (e) Field Training Officer
- (f) Community Relations/Training Officer
- (g) School Resource Officer
- (h) Hostage Negotiation Team member
- (i) Rapid Response Team member
- (j) Other specialty assignments as designated by the Chief of Police (e.g., task force assignments, satellite units)

### 1001.3.1 GENERAL REQUIREMENTS

The following requirements should be considered when approving a transfer to a requested assignment, including selecting a candidate for a special assignment:

- (a) Three years of experience
- (b) Off probation
- (c) Possession of or ability to obtain any certification required by the Indiana Law Enforcement Training Board or law
- (d) Exceptional skills, experience or abilities related to the special assignment

### 1001.3.2 EVALUATION CRITERIA

The following criteria will be used in evaluating candidates for a special assignment:

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- (a) Presents a professional, neat appearance.
- (b) Maintains a physical condition that aids in his/her performance.
- (c) Expressed an interest in the assignment.
- (d) Demonstrates the following traits:
  - 1. Emotional stability and maturity
  - 2. Stress tolerance
  - 3. Sound judgment and decision-making
  - 4. Personal integrity and ethical conduct
  - 5. Leadership skills
  - 6. Initiative
  - 7. Adaptability and flexibility
  - 8. Ability to conform to department goals and objectives in a positive manner
- (e) Demonstrated and applicable experience in the special assignment area.

#### 1001.3.3 SELECTION PROCESS

The selection process for a change of assignment, including special assignments will include an administrative evaluation as determined by the Chief of Police to include:

- (a) Eligible members may submit an officer's report requesting a change of assignment (including special assignments) through the chain of command only when an open position is posted in the South Bend Police Department.
- (b) Supervisor recommendations - Each supervisor who has supervised or otherwise been involved with the candidate may submit a recommendation.
  - 1. If the supervisor writes a recommendation, it will be attached to the officer's report requesting a change of assignment or open position.
  - 2. A Human Resource Representative may check with the supervisors and peers of all candidates.
- (c) Interview Committee - The Interview Committee will schedule interviews with each candidate.
  - 1. The Division Chief shall determine who is on each Interview Committee.
  - 2. The Interview Committee shall submit their recommendations of candidates (identified by number rather than by name) to the Division Chief.
  - 3. The Division Chief will score any writing and/or report samples, add the scores to each candidate (identified by number rather than by name) interview score and return the scores to the Interview Committee.
  - 4. The Interview Committee will submit the final scores and recommendations to the Chief of Police, identifying the candidate by name.
- (d) Assignment by the Chief of Police.



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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.

#### 1001.3.4 MERITOCRACY

Consistent with the philosophy of the current administration to determine appointments based on merit, this policy outlines the expectations for all interested candidates regarding open positions within the Department.

- All job descriptions for openings will be communicated via email to all sworn departmental police officers. Applicants are required to submit an Officer's Report stating their qualifications and interest, in a timely manner.
- Applicants must meet the minimum qualifications for the posted position in order to be considered.

Decisions will be made based on the merit of the applicants, including but not limited to, one's skills, experience, and relevant qualifications, regardless of his or her current rank or seniority, unless an exception is made in the Working Agreement

The Department will not automatically elevate the rank of an officer based on time served; and will not automatically give deference to a higher-ranking officer in competition for any position. Nevertheless, one's experience and skills gained in a particular position may be emphasized during the application process

#### **1001.4 PROMOTIONAL REQUIREMENTS**

The purpose of this directive is to establish the promotional and transfer procedures for the ranks of Sergeant and Lieutenant utilizing best practices, in an efficient manner, and with a focus on transparency within the South Bend Police Department. The City of South Bend is an Equal Opportunity Employer and is committed to building a culturally diverse workplace. We strongly encourage applications from underrepresented candidates and others that will enhance our community.

It shall be the policy of the South Bend Police Department to promote the most qualified employees based on job-related needs and procedures designed to select for; the best leadership potential, knowledge of police operations, honesty, integrity, and accountability.

##### 1001.4.1 GENERAL PROVISIONS

- (a) The South Bend Police Department will determine when a vacancy exists and when a vacancy will be filled based on operational needs. Vacancies may not necessarily be filled immediately.
- (b) All officers will be notified via email and bulletin of the process opening for promotion to Sergeant or Lieutenant. Officers will be provided with a written announcement, to include the following information:
  1. General position description
  2. Eligibility requirements

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### *Change of Assignments, Promotions, and Probationary Periods*

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3. Sign-up procedures
  4. General description of the selection process
  5. The date range in which the promotional process will be conducted
- (c) Eligibility criteria will be listed in at least one of the following, the announcement, job description, or information guide.
- (d) Eligible candidates may participate in the selection process for the ranks of Sergeant and Lieutenant:
1. Candidates who express interest through the sign-up procedures listed in the announcement will have their eligibility determined.
  2. Candidates must maintain that eligibility through each part of the process
    - (a) E.g., if a candidate receives a suspension of six or more days at any point before the completion of the testing/interview/assessment process, the candidate would be removed from consideration.
    - (b) Candidates should review the announcement for actual eligibility requirements.
  3. If an ineligible candidate becomes eligible during the testing, or two years period following, the candidate would be allowed to test.
- (e) Candidates participating in the promotional process will be provided an information guide from the testing agency or the SBPD. The guide will include:
1. Information relevant for testing as well as interview and assessment exercises.
  2. This information will be communicated at least ten weeks prior to any testing.
- (f) Each promotional process undergoes a review to see if improvements should be made. Changes may be made prior to the opening of the next promotional process. The South Bend Police Department shall use any of the following groups or individuals to review the process: The Chief of Police, FOP Labor Management Team, Human Resources, any other designee the Chief of Police requests will review the process.
- (g) Promotions and transfers are not guaranteed.
- (h) In the event a new unit is created, dissolved, or the Department undergoes a restructure, the South Bend Police Department would have discretion on how to set up an appropriate process to fill or shift vacancies.

#### 1001.4.2 RESPONSIBILITIES

- (a) The South Bend Police Department will require assistance for administration of the departmental promotional process. The South Bend Police Department may request the assistance of the following:
1. Consultants contracted to administer promotional procedures
  2. SBPD Division Chiefs
  3. City of South Bend Human Resources Department

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4. Chief of Police
  5. Other persons deemed appropriate by the Chief of Police
- (b) Promotional selection procedures and formulas for scoring candidate performance in the promotional process will be developed, reviewed, and calculated with the assistance of a public or private consulting firm specializing in promotional process development.
- (c) The South Bend Police Department will utilize selection procedures as outlined within this directive, the announcement, and information guide to evaluate the promotional potential of sworn officers applying for promotion or transfer within the South Bend Police Department. These selection procedures will assist with the identification of the best candidates for recommendation to the Board of Safety.

#### 1001.4.3 TESTING EXAMINATION

- (a) Written Exam Details
1. All eligible candidates for promotion to the rank of Sergeant and Lieutenant will be required to complete a written examination. Additional details will be found in the announcement.
    - (a) This test is provided by a public or private firm that specializes in examination development and/or promotional procedures.
    - (b) A minimum score on the test must be met to continue with the process.
  2. Candidates will be provided with a list of the resource materials upon which the written test will be based.
  3. The written examination will be developed from the materials listed in the announcement and/or information guide.
  4. This information guide will be distributed to each promotional candidate at least ten weeks in advance of the written examination.
- (b) The written examination will be administered by a representative of the firm providing the written examination or a designee chosen by the firm or the Chief of Police.
- (c) Candidates who complete the written examination while off-duty will not be eligible to receive overtime or compensatory time.
1. Absent extenuating circumstances, candidates should sign up for the time that does not interfere with their shift.
  2. Any candidate who takes the test during their regularly scheduled shift will be required to use their own accrued leave.

#### 1001.4.4 STRUCTURED INTERVIEW / ASSESSMENT EXERCISES

- (a) Eligible candidates who successfully complete the written examination will move on to the structured interview and assessment exercises.
1. Relevant information will be provided in the information book provided to candidates.

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2. A minimum score on the structured interview and assessment exercise test must be met to continue with the process.
- (b) Candidates who complete the interview and/or assessment exercises while off-duty will not be eligible to receive overtime or compensatory time.
1. Reasonable efforts will be made to schedule candidates for the interview and assessment outside their regularly scheduled work hours.
  2. Individuals who take the interview or assessment exercises while on duty will not be paid for the interview or assessment time.

#### 1001.4.5 ALTERNATE OR MAKE-UP TESTING, INTERVIEW, OR ASSESSMENT DATES

- (a) Alternate make-up interview or assessment exercises for reasonable accommodations may be made in certain situations (e.g., FMLA, military leave) and will be reviewed on a case-by-case basis.
- (b) Due to the structured nature of the testing, interview, and assessment exercise, as well as the logistics of putting together a successful panel, alternate dates or accommodations are not guaranteed. Individuals who do not attend any part of the process (e.g., testing, interview, or assessment process) must wait until the next process.
- (c) Individuals who may need an accommodation or an alternative testing date should notify the human resources department in writing as soon as the individual becomes aware of a potential need. (Must be prior to the testing or interview date.) The request will be reviewed as quickly as possible to determine if any alternative testing can or will be made.

#### 1001.4.6 PROMOTIONAL ELIGIBILITY LISTS

- (a) A promotional eligibility list will be in effect for approximately two years from the date established.
- (b) In the event the South Bend Police Department can reasonably expect that they may run out of candidates on the list for projected vacancies, a new process may be opened through the testing agency, and/or a temporary process may be implemented.
- (c) Each promotional eligibility list will be established using a process described in the promotional announcement or information guide.
- (d) Lieutenant and Sergeant promotional candidates will receive a notification indicating the following:
1. Confirmation of passing all portions of the testing, or failing a portion of the testing
  2. Confirmation that the individual will be entered into the promotable pool of candidates, or has not qualified to enter the promotable pool of candidates
  3. When they have been selected for consideration
- (e) Promotional eligibility lists will not be published.

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- (f) Candidates will be notified as necessary when they are under review for selection.
- (g) Candidates who have not yet been promoted but are on the list will be removed from the list for:
  - 1. Violating any one of the eligibility requirements as listed in the announcement or the information guide.
  - 2. Conduct contrary to the police departments core values and ethics.
  - 3. Due to retirement, resignation, or request.

#### 1001.4.7 SELECTION OF CANDIDATES FOR PROMOTION

- (a) Candidates will be selected for promotion to the ranks of Lieutenant and Sergeant as follows:
  - 1. The pool of qualified candidates can apply (as described in the opening) for any Sergeant or Lieutenant open position for which they've tested.
  - 2. 3-4 applicants will be selected based on their fit within the position, resume, and recommendation from supervisors.
  - 3. Those selected will be interviewed by the Division Chief and Captain (or designee) of the open position.
  - 4. An applicant will be selected for the position based on the above process and operational need.
- (b) A candidate selected for promotion will receive an appointment letter detailing the effective date of promotion and promotional compensation.
  - 1. Candidates may refuse promotions or vacancies and maintain their eligibility for promotion status..
  - 2. This refusal must be via an officer's report to the Chief's Office.
- (c) All newly promoted officers will:
  - 1. Serve in a 12-month probationary period as approved by the Board of Public Safety.
  - 2. Complete any training and orientation as established by the police administration.
  - 3. Not be eligible for any new transfer or position for 24 months unless transferred due to operational needs or otherwise stated in the posting.
    - (a) An exception would be add-on positions. Examples might be, polygraph examiner, defensive tactics instructor, etc. This information will be listed in the posting.
  - 4. A transfer within shift does not limit the mobility of an individual for promotion.
    - (a) E.g., Sergeant moves from afternoons to days within patrol. This sergeant would not be expected to serve 24 additional months in the position of patrol sergeant because he/she shifted to days.

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5. Sergeants may test but are not eligible for promotion to Lieutenant for 24 months from the date of Sergeant promotion.
- (d) Individuals who are unable to immediately be promoted because of FMLA, military leave, light duty, or other reason:
1. Situations will be reviewed on a case-by-case basis and accommodations to fill the position will be reviewed.
  2. If no accommodation can be made, the position would go to the next most qualified candidate.
  3. The individual in need of an accommodation which was not selected would retain their place on the promotion eligibility list until they are able to be selected for a position or the list expires.
  4. Available accommodations must be reasonable and based on operational needs.

#### 1001.4.8 PROMOTIONAL PROCESS REVIEW PROCEDURES

- (a) Officers may review and appeal adverse decisions concerning their eligibility for appointment to a promotional vacancy.
- (b) Written testing can be appealed through the process listed within the information provided by the testing agency or testing administrator.
- (c) All such appeals must be initiated within five days of the date of the notice of the results of each component of the selection process.
- (d) The officer must submit an Officer's Report to the office of the Chief of Police, outlining the specific component(s) of the selection process which, in the officer's opinion, adversely affected his/her promotional opportunity and were not relevant to the position.
  1. Generally, the promotional process is considered to be fair and accurate unless a candidate can present solid and documented evidence that procedural difficulties existed. Candidates may appeal the content of an interview question or exercise if they provide convincing evidence that the topic is not relevant or valid for the position.
  2. Candidates may appeal procedural problems that occurred during the administration of the process (e.g., an interview panelist fell asleep).
- (e) The South Bend Police Department will relay the information to the testing agency and any other appropriate designee to:
  1. Review the information conveyed in the appeal Officer's Report.
  2. Determine appropriate next steps.
  3. Conduct any additional inquiries through the public or private testing agency deemed necessary regarding the promotional process.
  4. Consult with the Division Chiefs or other persons involved in developing or administering aspects of the promotional process.

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5. The officer who submitted the officers report will receive a notice stating that the review has concluded.
- (f) Any reviews may be coordinated through the office of the Chief of Police.
- (g) No review will be allowed to compromise the security of the promotional selection process material.
- (h) All materials related to the promotional selection process will be maintained in a secure location designated by the Chief of Police.
- (i) Generally, the Chief of Police, the Division Chiefs and the Fraternal Order of Police Labor/Management team and any other designee may be responsible for reviewing the promotional process annually. Potential suggestions, revisions, and updates may be reviewed to develop process revisions.

#### 1001.4.9 VACANCIES AND TRANSFERS FOR INDIVIDUALS CURRENTLY AT THE RANK OF SERGEANT OR LIEUTENANT

- (a) Vacancies will be communicated to current officers at that rank and above for transfer.
- (b) To be considered for a transfer to another shift within the same rank at the South Bend Police Department a Sergeant or Lieutenant must have the following:
  1. Acceptable performance reviews.
- (c) Officers must express interest in a change through the requirements established within that communication.
  1. If details are not specified, this would be an officer's report to the Chief of Police.
- (d) The South Bend Police Department will offer current qualified Sergeants the option to transfer to a new vacancy.
- (e) Transfers are not guaranteed. In considering transfers, Chiefs may consider a number of factors including but not limited to operational needs, discipline, performance, and accommodations. In general, transfers will be determined in the following order:
  1. Sergeants/Lieutenants from the current unit (e.g., patrol, SFU, IB) the vacancy is in.
  2. Those Lieutenants or Captains willing to take a voluntary demotion.
  3. Seniority in rank.
  4. Seniority on the Department.
- (f) Once all current Sergeants and Lieutenants have had an opportunity to move, vacancies will be filled from the promotional list.

## Anti-Retaliation

### 1002.1 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, ordinance or collective bargaining agreement.

### 1002.2 POLICY

The South Bend 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.

### 1002.3 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*

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### **1002.4 COMPLAINTS OF RETALIATION**

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police, or the City Human Resources Department.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false or with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

### **1002.5 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) Following up periodically 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.

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- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

#### **1002.6 COMMAND STAFF RESPONSIBILITIES**

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

#### **1002.7 WHISTLE-BLOWING**

Indiana law protects public employees who disclose a violation of a law, rule, regulation, or ordinance of a political subdivision or the misuse of public resources to a supervisor or the inspector general (I.C. § 36-1-8-8). Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Office of Professional Standards for investigation pursuant to the Personnel Complaints Policy.

#### **1002.8 RECORDS RETENTION AND RELEASE**

The Chief of Police or authorized designee shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

# Reporting of Arrests, Convictions and Court Orders

## 1003.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain arrests, convictions and court orders restrict their ability to perform the official duties and responsibilities of the South Bend Police Department. This policy will also describe the notification requirements and procedures that certain retired officers must follow when an arrest, conviction or court order disqualifies them from possessing a firearm.

## 1003.2 POLICY

The South Bend Police Department requires disclosure of member arrests, convictions and certain court orders to maintain the high standards, ethics and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Department.

## 1003.3 DOMESTIC VIOLENCE CONVICTIONS AND COURT ORDERS

Federal and Indiana law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing firearms. Such convictions and court orders often involve allegations of the use or attempted use of force, or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; I.C. § 35-47-4-6; I.C. § 34-26-5-9; I.C. § 35-47-4-6.5).

All members and retired officers with identification cards issued by the Department are responsible for ensuring that they have not been disqualified from possessing firearms by any such conviction or court order, and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

## 1003.4 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Persons convicted of committing or attempting to commit a serious violent felony may not possess a firearm (I.C. § 35-47-4-5).

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, and shall be reported as provided in this policy.

## 1003.5 REPORTING

All members and all retired officers with identification cards issued by the Department shall immediately notify their supervisors (retired officers should immediately notify the Chief of Police) in writing of any past or current criminal detention, arrest, charge or conviction in any state or foreign country, regardless of whether the matter was dropped or rejected, is currently pending or is on appeal, and regardless of the penalty or sentence, if any.

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### *Reporting of Arrests, Convictions and Court Orders*

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All members and all retired officers with identification cards issued by the Department shall immediately notify their supervisors (retired officers should immediately notify the Chief of Police) in writing if they become the subject of a domestic violence-related order or any court order that prevents the member or retired officer from possessing a firearm or requires suspension or revocation of applicable Indiana Law Enforcement Training Board certification.

Any member whose criminal arrest, conviction or court order restricts or prohibits that member from fully and properly performing his/her duties, including carrying a firearm, may be disciplined. This includes, but is not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member, on his/her own time and at his/her own expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

Retired officers may have their identification cards rescinded or modified, as may be appropriate (see the Retired Officer Identification Card Policy).

#### 1003.5.1 NOTIFICATION REQUIREMENTS

The Support Services Captain should submit the proper notice to the Indiana Law Enforcement Training Board of any convictions that could disqualify an employee.

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## Drug- and Alcohol-Free Workplace

### 1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

### 1004.2 POLICY

It is the policy of the South Bend Police Department to provide a drug- and alcohol-free workplace for all members (I.C. § 22-9-5-24).

### 1004.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the front desk or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work, but no later than 30 minutes prior to the beginning of the member's scheduled shift. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see the Work Restrictions section in this policy).

#### 1004.3.1 USE OF MEDICATIONS

Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

Possession of medical marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

### 1004.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol in department vehicles, on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

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Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

#### **1004.5 WORK RESTRICTIONS**

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

#### **1004.6 SCREENING TESTS**

A supervisor may require an employee to submit to a screening under any the following circumstances:

- (a) (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm in the performance of his/her duties (excluding training or authorized euthanizing of an animal).
- (c) The employee discharges a firearm issued by the Department while off-duty, resulting in injury, death or substantial property damage.
- (d) The employee drives a motor vehicle in the performance of his/her duties and becomes involved in an incident that results in bodily injury, death or damage to property.

If requested, the officer will sign a consent form authorizing the hospital, medical clinic or laboratory to receive saliva, hair, urine, breath and/or blood specimen(s) from the officer and release the results of the laboratory testing to the Department. The officer shall not be required to waive any claim or cause of action under the law.

##### **1004.6.1 SUPERVISOR RESPONSIBILITIES**

The supervisor shall document the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.

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- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

#### 1004.6.2 DISCIPLINE

An employee may be subject to disciplinary action if he/she:

- (a) Fails or refuses to submit to a screening test.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

#### **1004.7 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT**

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

#### **1004.8 CONFIDENTIALITY**

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the employee's medical file in accordance with the Personnel Records Policy.

## Sick Leave

### 1005.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.) or the Indiana Organ or Bone Marrow Donor Acts (I.C. § 4-15-16-7; I.C. 4-15-16-8).

### 1005.2 POLICY

It is the policy of the South Bend Police Department to provide eligible employees with a sick leave benefit.

### 1005.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences.

Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see the Outside Employment and Outside Overtime Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

#### 1005.3.1 NOTIFICATION

All members should notify the front desk or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than 30 minutes before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the front desk or appropriate supervisor, every effort should be made to have a representative for the member contact the front desk or appropriate supervisor.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with no less than 30 days' notice of the impending absence.

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken. Members shall advise the Department of their intended return to duty by notifying the front desk or appropriate supervisor no less than 30 minutes prior to the beginning of the member's scheduled shift.



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#### **1005.4 EXTENDED ABSENCE**

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a physician's statement for an absence of three or fewer days.

For all injuries (including illnesses) which result in the officer being unable to perform his/her regular duty assignment for six or more working days, the officer shall:

- (a) Seek prompt and appropriate medical treatment for the injury with a physician of the officer's choice.
- (b) Submit an officer's report describing the date, time, nature and extent of the injury, which report will be submitted within five days after the injury unless the officer has already completed a Sick Return Report and returned to duty.
- (c) Keep all medical appointments, follow all prescribed exercises, take prescribed medication, etc., until returning to regular duty assignment.
- (d) The officer shall maintain a current (not more than 60 days old) statement from the officer's physician as to the estimated date of return of the officer to duty as a police officer, the nature of any limitations which might prevent the officer from returning to such duty and a statement as the availability of the officer to perform limited duty. The initial statement of availability shall be filed with the officer's report.
- (e) Return to work on officer's next regularly scheduled work day upon release by a physician to either full or part time duty. The officer shall perform all temporary duties assigned consistent with the officer's medical status.
- (f) The officer shall submit to an examination by a physician of the department's choice, if it involves an on-duty injury or illness or if requested by the Chief of Police at any time after the officer has missed five or more scheduled work days due to the same illness or injury. The officer shall also execute appropriate releases to allow this physician to examine the officer's medical records in connection with the injury or illness and to communicate the results of the examinations to the Chief of Police. The costs of this requested additional examination, including any tests the physician recommends, shall be borne by the Department.
- (g) If eligible, the officer shall file the prescribed Family Medical Leave request prior to exhaustion of unused sick time and vacation time.

#### **1005.5 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include, but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.

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- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Human Resources Department as appropriate.
- (c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
  - 1. Negatively affected the member's performance or ability to complete assigned duties.
  - 2. Negatively affected department operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

# Communicable Diseases

## 1006.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

This policy also addresses the requirement that the South Bend Police Department have a policy on communicable diseases and provide related training (I.C. § 16-41-11-6). Members shall refer to the Infectious Disease Control Procedure for detailed information regarding the handling of communicable diseases incidents.

### 1006.1.1 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 (i.e., 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 South Bend Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

## 1006.2 POLICY

The South Bend 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.

## 1006.3 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

- (a) Exposure-prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (i.e., gloves, face masks, eye protection, pocket masks) that is appropriate for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them.

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- (e) Compliance with all relevant laws or regulations related to communicable diseases, ensuring that:
  - 1. Procedures are implemented ensuring members follow universal precautions, including any standards adopted and requirements imposed by the Indiana Occupational Safety and Health Administration (IOSHA) (I.C. § 16-41-11-3; 410 I.A.C. 1-4-8; 29 CFR 1910.1030).
  - 2. Members having direct contact with blood or bodily fluids in the scope of their duties follow universal precautions and apply disciplinary measures for failure to follow universal precautions (I.C. § 16-41-11-3; I.C. § 16-41-11-4; 410 I.A.C. 1-4-8).
  - 3. Training and equipment is provided to members pursuant to I.C. § 16-41-11-5.
  - 4. Procedures are implemented to ensure the appropriate handling of infectious waste (I.C. § 16-41-16-1; 410 I.A.C. 1-3-23).
  - 5. Procedures are implemented regarding provision of appropriate testing, treatment and counseling through I.C. § 16-41-10-1 et seq.
  - 6. Responses are made to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).

The ECO should also act as the liaison with IOSHA and may request voluntary compliance inspections. The ECO should periodically review and update the exposure control plan and review implementation of the plan.

#### **1006.4 EXPOSURE PREVENTION AND MITIGATION**

##### **1006.4.1 GENERAL PRECAUTIONS**

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes but is not limited to (I.C. § 16-41-11-4):

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks, or other specialized equipment in the work area of department vehicle, 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, 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.

#### 1006.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost.

#### **1006.5 POST EXPOSURE**

##### 1006.5.1 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 but in no case more than 24 hours after the exposure (I.C. § 16-41-10-2).
  - 1. In the event the member wants to be notified of any test results following an exposure, the member should submit the requisite form prescribed by the state department and the IN emergency medical services commission to:
    - (a) The South Bend Police Department;
    - (b) The state department; and
    - (c) The medical director of the medical facility to which the person who was a source of the exposure was admitted or located at the time of the exposure, if applicable.

##### 1006.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident.

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The

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supervisor should complete the Incident Exposure Investigation Form in conjunction with other reporting requirements that may apply (see the Work-Related Illness and Injury Reporting and Illness and Injury Prevention policies).

#### 1006.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary.

The ECO 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 ECO.

#### 1006.5.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure.

#### 1006.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Seeking assistance from the treating physician or the appropriate medical director or designated physician to have the source tested (I.C. § 16-41-10-3).
- (c) HIV testing when ordered by a physician (I.C. § 16-41-6-1).
- (d) Public health officials seeking consent or a court order (I.C. § 16-41-6-2).
- (e) The ECO or the member petitioning the appropriate court for an order requiring testing (I.C. § 16-41-10-2.5; I.C. § 16-41-10-2.6; I.C. § 16-41-10-3).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

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#### **1006.6 CONFIDENTIALITY OF REPORTS**

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well (I.C. § 16-41-10-5).

## 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 South Bend 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 South Bend 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 laws; municipal and county rules; and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

### 1007.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if valid, would constitute a violation of department policy or federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

#### 1007.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

**Administrative advisories/investigations** - Any allegation from a department employee or supervisor.

**Community complaint** - Any allegation from an outside source against any department employee.

#### 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, website/on-line, 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.



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- (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.

#### 1007.3.3 IDENTIFICATION OF DISCIPLINARY MEASURES

Supervisors should ensure that members read and are familiar with the South Bend Police Department Discipline Matrix.

Counseling and/or remedial training may be used in lieu or in combination with corrective or punitive measures, if appropriate.

### **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 can be submitted in person, via email, and even anonymously.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

#### 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, or via website/on-line. 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.

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 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 the actions taken to address 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 INTERNAL INVESTIGATIONS**

Allegations of misconduct will be administratively investigated as follows.

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#### 1007.6.1 SUPERVISOR RESPONSIBILITIES

In general, the initial 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 investigates any complaint.

A supervisor who becomes aware of alleged misconduct shall take appropriate 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 Community Complaint or Administrative Advisory, a form is completed. The completed form will be sent to the Office of Professional Standards (OPS) within 24 hours.
  - 1. Upon receiving an Administrative Advisory, OPS will enter the information into the system and provide notification to the officer, after an initial inquiry into the complaint.
  - 2. The investigation may be sent back to shift level or may be investigated by OPS, depending on the severity of the allegation.
- (b) Responding to all complaints in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
  - 1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
  - 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Shift Captain.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Shift Captain and Chief of Police are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Human Resources Department and the Shift Captain for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnical or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Shift Captain, 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, and based on complainant's availability.

#### 1007.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Office of Professional Standards, the following applies to members covered by I.C. § 36-8-2, et seq.:

- (a) Interviews of an accused member should be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, he/she should be compensated.
- (b) Unless waived by the member, interviews of an accused member should be at the South Bend Police Department or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused member.
  - 1. Questions should be specific and directly related to the performance of duties or fitness for service as an officer.
- (d) Prior to any interview, a member should be informed of the nature of the investigation.
  - (a) The member should also be informed of who will be in charge of the investigation, the identity of the interviewers, and any other person who will be present during the interview.
  - (b) A copy of the complaint, in a noncriminal case, should be provided to the officer.
- (e) All interviews should be for a reasonable period, and the member's personal needs should be accommodated.
- (f) No member shall be subjected to offensive or threatening language, nor shall any promises, rewards, or other inducements be used to obtain answers.
- (g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline, up to and including termination, for failing to do so.
  - (a) A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the member 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).
  - (b) No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation, or to any prosecutor.
- (h) The interviewer should record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy

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of that recorded interview should be provided to the member prior to any subsequent interview.

- (a) Upon request, the member should be provided with a written transcript of the recorded interview, at no cost. I.C. § 36-8-2.1-5(b)(7).
- (i) All members 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 members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
  - (a) Unrepresented members may have a reasonable time to obtain representation.
- (j) All members shall provide complete and truthful responses to questions posed during interviews.
- (k) No member may be compelled to submit to a polygraph or truth-telling 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 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.

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**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.

**Administrative closure** - The allegation occurred and the alleged action was improper, but the investigation disclosed that our policy or training provided to the member was either not done or was inadequate and that was the cause of the alleged misconduct.

**Misconduct not based in complaint (MNBC)** - During the investigation of the personnel complaint, allegations of misconduct were discovered which were not specifically alleged in the original complaint. These new additional allegations are treated as separate, individual allegations similar to the above. The final classification would be:

- MNBC-NOT SUSTAINED
- MNBC-EXONERATED
- MNBC-UNFOUNDED
- MNBC-SUSTAINED

#### 1007.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within 60 days from the date of officer notification, unless circumstances dictate otherwise.

#### 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.

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- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

#### **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 shall not be administratively ordered to provide any information in the criminal investigation.

The South Bend 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 and findings submitted.

#### **1007.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES**

Upon completion of a formal investigation, an investigation report shall be forwarded to the Chief of Police through the chain of command. Each level of command shall 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 DIVISION CHIEF RESPONSIBILITIES**

Upon receipt of any completed personnel investigation, the Division Chief of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Division Chief may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Division Chief may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Division Chief 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. A Synopsis of a member's personnel or disciplinary history shall be included.

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#### 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 Division Chief 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 (I.C. § 36-28-2.1, *et seq.*):

- (a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
- (b) An opportunity to respond in writing or by email to the Chief of Police within 48 hours to five days of receiving the notice based on I.C. 36-8-3-4.
  - 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. If the member elects to respond in writing or email, it shall be copied by the Department and placed within the investigative packet.
  - 2. Once the member has completed his/her response, or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police, or the authorized designee, shall render a timely written decision to the member and specify the grounds and reasons for discipline. Once the Chief of Police has issued a written decision, the discipline recommendation shall be presented to the Board of Public Safety.

#### 1007.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Police, or the authorized designee, should ensure that the complainant is provided written notification of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint.

#### 1007.11 TYPES OF DISCIPLINE

Discipline may include, but is not limited to the following types:

- (a) **Relieved from duty** - Members may be relieved of duty with pay. When it is necessary to immediately relieve the member from duty for the safety and welfare of the community or to preserve the good order and discipline of the Department, it may be done by the Shift or Unit Commander. Since the member does not lose any pay, it is technically not a discipline and not subject to the appeal and reporting procedures set forth in the Duty Manual. The Chief of Police and any other supervisor is authorized to relieve a member of duty.
- (b) **Reprimand** - When it becomes necessary for a superior officer or a commanding officer to reprimand a member under his/her charge, it shall be done with discretion and in a manner without public embarrassment to the member. A reprimand may be oral or written. The Chief of Police and any other supervisor is authorized to reprimand a member.

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- (c) **Suspension** - A member may be suspended from duty without pay for a period up to and including five working days by the Chief of Police, pursuant to I.C. § 36-8-3-4.1. The Board of Public Safety, under I.C. § 36-8-3-4, may suspend a member without pay for any length of time.
- (d) **Demotion or Dismissal** - A member of the police department holds rank (up through the rank of Lieutenant) and office until he/she is dismissed or demoted by the Board of Public Safety under I.C. § 36-8-3-4. The Mayor may demote Captains and above pursuant to I.C. § 36-8-3-4(m).

#### **1007.12 REVIEW AND HEARING**

In the event that an employee is reprimanded in writing or suspended for a period of five days or less, the Chief of Police shall notify the Board of Public Safety (BPS), in writing, within 48 hours of the action and the reasons for the action. Unless the employee timely seeks review, the proposed discipline becomes final (I.C. § 36-8-3-4). It is the employee's responsibility to notify the BPS, if he/she seeks BPS review.

If the employee is dismissed, demoted or suspended for six days or more, the employee may, within five days of notice, request a hearing before the BPS as provided in I.C. § 36-8-3-4. It is the employee's responsibility to notify the BPS, if he/she seeks BPS review.

#### **1007.13 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.

#### **1007.14 POST-DISCIPLINE APPEAL RIGHTS**

In the event that the safety board decides to dismiss, demote, or suspend an employee for a period exceeding five days, the employee may appeal the decision to the circuit or superior court of the county, as provided in I.C. § 36-8-3-4.

#### **1007.15 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.

In cases where an individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate, the probationary period may be extended at the discretion of the Chief of Police.



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#### **1007.16 CIVILIAN EMPLOYEES**

Civilian employees, which may be under the direct and immediate supervision of the Department of Police, are members of the City and subject to, in addition to the Rules and Regulations of the Police Department, the Rules and Regulations of the City employees. Further, civilian members, because of their proximity to the sensitive and confidential nature of police work, may be investigated by the Department, but shall be disciplined by, and shall follow the grievance procedures and appeal mechanisms of, the City of South Bend.

#### **1007.17 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.

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## Safety Belts

### 1008.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of safety belts and child restraints. This policy will apply to all members operating or riding in department vehicles.

#### 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 (I.C. § 9-19-11-1 et seq.).

**Safety belt system** - A system utilizing a lap belt, a shoulder belt or any other belt or combination of belts installed in a motor vehicle to restrain drivers and passengers, and that conforms to federal regulations (49 CFR 571).

### 1008.2 POLICY

It is the policy of the South Bend Police Department that members use safety and child restraint systems, when available, to reduce the possibility of death or injury in a motor vehicle accident.

### 1008.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Department, are properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a safety belt would endanger the department member or the public. Officers actively engaged in a tactical situation may use his/her own discretion regarding using his/her safety belt during the ongoing situation. Members must be prepared to justify any deviation from this requirement.

### 1008.4 TRANSPORTING CHILDREN

Child passengers shall be transported using an approved child restraint system, when available, in compliance with I.C. § 9-19-11-1 et seq.

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of safety belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-

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### *Safety Belts*

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side air bag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

#### **1008.5 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES**

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle by safety belts provided by the vehicle manufacturer.

With the exception of the prisoner van, officers will seat-belt prisoners unless the prisoner is violent and the officer would risk injury if attempting to seat-belt, or the officer finds it impossible due to prisoner obesity, handicap or disability.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

#### **1008.6 INOPERABLE SAFETY BELTS**

Department vehicles shall not be operated when the safety belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the safety belt is inoperable.

Department vehicle safety belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

#### **1008.7 VEHICLES MANUFACTURED WITHOUT SAFETY BELTS**

Vehicles manufactured and certified for use without safety belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

#### **1008.8 VEHICLE AIR BAGS**

In all vehicles equipped with air bag restraint systems, the system will not be tampered with or deactivated. All equipment installed in vehicles equipped with air bags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the air bag device.

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## 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 South Bend 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

The Support Logistics Captain 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 (I.C. § 36-8-9-9; I.C. § 36-8-10-4.5).

Body armor shall be issued when an officer begins service at the South Bend Police Department and shall be replaced when the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

The Chief of Police may authorize issuance of body armor to uniformed, civilian members whose jobs may make wearing of body armor advisable.

#### 1009.3.1 USE

Generally, the required use of body armor is subject to the following:

- (a) Members shall only wear department-approved body armor.
- (b) Officers shall not alter, modify or insert any object into, or remove any portion of the body armor except as necessary for routine care and maintenance.
- (c) Members shall wear body armor any time they are in a situation where they could reasonably be expected to take enforcement action.
- (d) Members shall wear body armor when working in uniform in any capacity, on- or off-duty, or taking part in department range training (unless authorized by range instructor at the range).
- (e) Members are not required to wear body armor when they are functioning primarily in an administrative or support capacity and would not reasonably be expected to take enforcement action.
- (f) Officers may be excused from wearing body armor when they are involved in undercover or plainclothes work that their supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

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### *Body Armor*

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1. In those instances when body armor is not worn, officers should have reasonable access to their body armor.
- (g) At the Chief's discretion, the Chief or his/her designee may modify these body armor requirements.

#### 1009.3.2 INSPECTION

Supervisors should ensure through routine observation and periodic documented inspections that body armor is worn and maintained in accordance with this policy.

Annual inspections of body armor should be conducted by a person trained to perform the inspection for fit, cleanliness and signs of damage, abuse and wear.

#### 1009.3.3 CARE AND MAINTENANCE

The required care and maintenance of body armor is subject to the following:

- (a) Members are responsible for inspecting their body armor for signs of damage, wear and cleanliness at the start of each shift.
1. Unserviceable body armor shall be reported to the supervisor.
- (b) Members are responsible for the proper storage of their body armor.
1. Body armor should not be stored for an extended period of time in an area where environmental conditions (e.g., temperature, light, humidity) could potentially degrade its effectiveness.
- (c) Members are responsible for the care and cleaning of their body armor pursuant to the manufacturer's care instructions.
1. Body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer.
  2. Failure to follow manufacturer's care instructions may damage the ballistic performance capabilities of the body armor. If care instructions for the body armor cannot be located, the manufacturer should be contacted to request the instructions.
- (d) Body armor should be replaced in accordance with the manufacturer's recommended replacement schedule, or when its effectiveness or functionality has been compromised (I.C. § 36-8-9-9; I.C. § 36-8-10-4.5).

## 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 this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Indiana (I.C. § 5-14-3-4).

### 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.
  2. Any member response shall be attached to and retained with the original adverse comment.
  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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### *Personnel Records*

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#### **1010.4 DIVISION FILE**

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct, and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

#### **1010.5 TRAINING FILE**

An individual training file shall be maintained by the Training Commander 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 Division or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training supervisor or authorized designee shall ensure that copies of such training records are placed in the member's training file.

#### **1010.6 INTERNAL AFFAIRS FILE**

Internal affairs files shall be maintained under the exclusive control of the Office of Professional Standards 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 Office of Professional Standards 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
- (d) Interventions resulting in corrective action, verbal counseling and performance improvement plans.

#### **1010.7 MEDICAL FILE**

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to worker's compensation claims or the receipt of short- or long-term disability benefits.

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### *Personnel Records*

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- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.
- (e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

#### **1010.8 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 confidential and subject to disclosure only as provided in this policy or the current Working Agreement.

Nothing in this policy is intended to preclude review of personnel records by the City Controller, the City's Legal Department, or other attorneys or representatives of the City in connection with official business.

##### **1010.8.1 REQUESTS FOR DISCLOSURE**

Any member receiving a request for a personnel record shall promptly forward the request to the Chief of Police. The City Attorney shall be consulted on all requests for the release of personnel 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.

All requests for disclosure that result in access to a member's personnel records, shall be logged in the corresponding file and the subject officer shall be notified of the disclosure..

#### **1010.9 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS**

Any member or their representative may request access to his/her own personnel records during the normal business hours of those responsible for maintaining such files (I.C. § 5-14-3-4(b) (8)). Members should consult the current Working Agreement regarding access to their personnel files.

#### **1010.10 RETENTION**

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule as mandated by Indiana Code.

During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, career development, training, and progressive discipline.



## Commendations and Awards

### 1011.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the South Bend Police Department and individuals from the community.

### 1011.2 POLICY

It is the policy of the South Bend 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 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.

#### 1011.4.1 DEPARTMENT MEMBER DOCUMENTATION

Members of the Department should document meritorious or commendable acts. The documentation should contain:

- (a) Identifying information:
  1. For members of the Department - name, division and assignment at the date and time of the meritorious or commendable act
  2. For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the member submitting the documentation.

#### 1011.4.2 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:

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### *Commendations and Awards*

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1. For members of the Department - name, division and assignment at the date and time of the meritorious or commendable act
  2. For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the person submitting the documentation.

#### 1011.4.3 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of a member of the Department should be forwarded to the appropriate Division Chief for his/her review. The Division Chief should sign and forward the documentation to the Chief of Police for his/her review.

Documentation regarding the meritorious or commendable act of an individual from the community should be 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.

#### 1011.5 AWARDS

Awards may be conferred on any active or honorably retired member of the Department and individuals from the community. These awards include the following:

- **Chief's Award of Valor** - An Award granted to any sworn member of the Department for an act of outstanding bravery or heroism by which the member has demonstrated in great degree the characteristics of selflessness, personal courage and devotion to duty.
- **Chief's Award of Merit**- An award granted to any department sworn or civilian member for an outstanding accomplishment which has resulted in improved administration, improved operation or substantial savings in manpower or operational costs wherein the member has gone far beyond the requirements of his normal assignment to contribute to a more effective police service; or for outstanding police work which has brought great credit to the Department in a case of unusual public interest.
- **South Bend Police Medal** - An award which is presented annually by the Chief of Police to recipients of the Award of Valor, or the Chiefs Award of Merit, the Purple Heart, when in his judgment, the accomplishments or performance of the individual member was so outstanding as to justify additional recognition.
- **Department Commendation** - An award granted to any department sworn or civilian member for an outstanding act or achievement which brings great credit to the Department and involves performance above and beyond that required by the member's basic assignment.
- **Community Problem Solving Award** - An award granted to any department sworn or civilian member, or member of the community, who shows and exemplary effort to identify, analyze and successfully respond to causes, conditions, and problems that may lead to crime and neighborhood disorder.

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### *Commendations and Awards*

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- **Crime Prevention Special Commendation** - An award presented to any department sworn or civilian member or citizen who, through his efforts has made a significant impact on public safety or crime prevention.
- **Unit Meritorious Performance Award** - An award granted to individual sworn or civilian members of a unit who exhibited exceptional professional skill and conduct during a coordinated action.
- **Lifesaving Award** - An Award granted to any department sworn or civilian member for a successful effort in saving a human life which involved exceptional courage or performance.
- **Community Oriented Policing Special Partnership Award** - An award presented to any department sworn or civilian member or citizen who, through his efforts, has made a significant impact upon the quality of life within his or her community by identifying and resolving problems.
- **Dortha Paxton Award** - An award granted to any department civilian employee whose performance was characterized by exceptional professional skill, in the tradition of long-time civilian employee Dortha Paxton.
- **Pat Derue Nemeth Award** - An award granted to a member of the South Bend Police Department sworn or civilian, or a member of the community, who best demonstrates the caring, kind, compassionate and humanitarian qualities that Pat DeRue Nemeth has provided to the members of the South Bend Police Department.
- **Police Officer Of The Year Award** – An award granted to any department sworn officer whose performance of duty was characterized by such exceptional professional skill that it merited recognition by the entire Department.

Criteria for each award and the selection, presentation and display of any award are determined by the Chief of Police.

## Fitness for Duty

### 1012.1 PURPOSE AND SCOPE

Monitoring members' fitness for duty is essential for the safety and welfare of the members of the Department and the community. The purpose of this policy is to ensure that all members of this department remain fit for duty and able to perform their job functions as a police officer, as well as their current assignment.

### 1012.2 POLICY

The South Bend Police Department strives to provide a safe and productive work environment and ensure that all members of this department can safely and effectively perform the essential functions of their jobs as a police officer, as well as their current assignment. Under limited circumstances, the Department may require a professional evaluation of a member's physical and/or mental capabilities to determine his/her ability to perform essential functions.

### 1012.3 MEMBER RESPONSIBILITIES

It is the responsibility of each member of this department to maintain physical stamina and psychological stability sufficient to safely and effectively perform the essential duties of his/her position as a police officer, as well as their current assignment.

During working hours, all members are required to be alert, attentive and capable of performing their assigned responsibilities.

Any member who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that a member believes that another department member is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

### 1012.4 SUPERVISOR RESPONSIBILITIES

All supervisors should be alert to any indication that a member may be unable to safely perform his/her duties due to an underlying physical or psychological impairment or condition.

Such indications may include:

- (a) An abrupt and negative change in the member's normal behavior.
- (b) A pattern of irrational conduct, hostility or oppositional behavior.
- (c) Personal expressions of instability.
- (d) Inappropriate use of alcohol or other substances, including prescribed medication.
- (e) A pattern of questionable judgment, impulsive behavior or the inability to manage emotions.
- (f) Any other factor or combination of factors causing a supervisor to believe the member may be suffering from an impairment or condition requiring intervention.

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### *Fitness for Duty*

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Supervisors shall maintain the confidentiality of any information consistent with this policy.

#### 1012.4.1 REPORTING

A supervisor observing a member, or receiving a report of a member who is perceived to be unable to safely or effectively perform his/her duties shall promptly document all objective information and/or observations.

The supervisor who observes the conduct or behavior should attempt to meet with the member to inquire about the conduct or behavior giving rise to the concerns.

If a meeting does not resolve the supervisor's concerns or does not take place, the supervisor shall promptly document his/her observations and actions in an officer's report and inform the member's supervisor or Commander.

#### 1012.4.2 DUTY STATUS

In conjunction with the member's supervisor or Commander, the supervisor should make a preliminary determination regarding the member's duty status.

If a determination is made that the member can safely and effectively perform the essential functions of his/her job, the member should be returned to duty and arrangements made for appropriate follow-up.

If a preliminary determination is made that the member's conduct or behavior represents an inability to safely and effectively perform the essential functions of his/her job, the member's supervisor or Commander should immediately relieve the member of duty pending further evaluation.

Employees relieved of duty shall comply with the administrative leave provisions of the Personnel Complaints Policy.

The Chief of Police shall be promptly notified in the event that any member is relieved of duty.

### **1012.5 FITNESS-FOR-DUTY EVALUATIONS**

A fitness-for-duty evaluation may be ordered whenever circumstances reasonably indicate that a member is unfit for duty or following an officer-involved shooting or death-in-custody incident.

#### 1012.5.1 PROCESS

The Chief of Police, in cooperation with the Human Resources Department, may order the member to undergo a fitness-for-duty evaluation.

The examining practitioner will provide the Department with a report indicating whether the member is fit for duty. If the member is not fit for duty, the practitioner will include the existing restrictions or conditions in the report.

In order to facilitate the evaluation of any member, the Department will provide all appropriate documents and available information.

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All reports and evaluations submitted by the examining practitioner shall be part of the member's confidential medical file.

Any member ordered to undergo a fitness-for-duty evaluation shall comply with the terms of the order and cooperate fully with the examining practitioner. Any failure to comply with such an order and any failure to cooperate with the practitioner may be deemed insubordination and shall subject the member to discipline, up to and including termination.

Determinations regarding duty status of members who are found to be unfit for duty or fit for duty with limitations will be made in cooperation with the Human Resources Department.

#### **1012.6 LIMITATION ON HOURS WORKED**

Absent emergency operations, members should not work more than the maximum number of hours permitted by law or more than:

- 16 hours in a one-day (24 hours) period
- 30 hours in any two-day (48 hours) period
- 84 hours in any seven-day (168 hours) period

Except in unusual 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 any member who has exceeded the above guidelines to off-duty status.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

#### **1012.7 APPEALS**

Employees disputing the application or interpretation of this policy may submit a grievance as provided in the Grievances Policy.

## Meal Periods and Breaks

### 1013.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the availability of meal periods.

### 1013.2 POLICY

It is the policy of the South Bend Police Department to provide meal periods to members of this department in accordance with the applicable collective bargaining agreement and the City personnel manual.

### 1013.3 MEAL PERIODS

Officers shall remain on-duty subject to call during meal periods. All officers engaged in an authorized meal period should respond to any in-progress incident occurring within close proximity to their location. All other members are not subject to call during meal periods unless directed otherwise by a supervisor.

A paid meal period of 30 minutes per shift shall be permitted for each officer, except in the event of an emergency, as deemed necessary by the person in charge of Communications or an authorized designee. The cost of said meal shall be the responsibility of the officer, and shall not be paid for by the City of South Bend. The meal period should be completed within the first seven hours of an officer's shift.

Uniformed patrol and traffic officers shall request clearance from the dispatcher prior to taking a meal period. Uniformed officers shall take their meal periods within the City limits and shall monitor the police radio, unless on assignment outside of the City.

The time spent for the meal period shall not exceed the authorized time allowed.

## Lactation Breaks

### 1014.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to members desiring to express breast milk for the member's infant child.

### 1014.2 POLICY

It is the policy of the South Bend Police Department to provide, in compliance with the Fair Labor Standards Act (FLSA), reasonable break time and appropriate facilities to accommodate any member desiring to express breast milk for her infant nursing child for up to one year after the child's birth (29 USC § 207).

### 1014.3 LACTATION BREAK TIME

A rest period should be permitted each time the member has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time (I.C. § 5-10-6-2).

Lactation breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Members desiring to take a lactation break shall notify the dispatcher or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

### 1014.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207, I.C. § 5-10-6-2).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.



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### *Lactation Breaks*

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#### **1014.5 STORAGE OF EXPRESSED MILK**

Any member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the member's shift ends.

## Payroll Records

### 1015.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

### 1015.2 POLICY

The South Bend Police Department maintains timely and accurate payroll records.

### 1015.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

The South Bend Police Department shall provide to each member a statement that includes the (I.C. § 22-2-2-8):

- (a) Hours worked by the member.
- (b) Wages paid to the member.
- (c) Deductions made.

### 1015.4 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Logistics Bureau as established by the City payroll procedures.

### 1015.5 RECORDS

The Support Services Captain shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (31 IAC 5-7-9; 29 CFR 516.5).

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## Overtime Compensation

### 1016.1 PURPOSE AND SCOPE

This policy establishes guidelines and procedures regarding overtime for employees, in conformance with the Fair Labor Standards Act (FLSA) (29 USC § 201 et seq.).

### 1016.2 POLICY

The South Bend Police Department will compensate nonexempt employees who work authorized overtime by payment of wages (29 CFR 553.22). Employees who are salary exempt from FLSA are not compensated for overtime worked.

### 1016.3 COMPENSATION

Payment of wages to nonexempt employees for overtime shall be at the rate of not less than one and one-half hours for each hour of employment for which overtime compensation is required (29 USC § 207(k)(2); 29 USC § 207(o)(1)).

#### 1016.3.1 TRAVEL TIME

Travel time will not be paid unless it is documented the officer drove the vehicle or the travel occurred during his or her normal duty hours or as part of a same day round trip (except voluntary schooling). Meals and rest time are not included. Trips for volunteer training are not included.

### 1016.4 REQUESTS FOR OVERTIME COMPENSATION

#### 1016.4.1 EMPLOYEE RESPONSIBILITIES

No employee is authorized to work overtime without the prior approval of a supervisor. In situations where a member is completing required reports, providing scene security, or completing other assigned duties, overtime shall be authorized by a supervisor.

Nonexempt employees shall:

- (a) Obtain supervisory approval, verbal or written.
- (b) Not work in excess of 16 hours, including regularly scheduled work time, overtime and extra-duty time, in any consecutive 24-hour period without supervisory approval.
- (c) Except in the case of a public emergency, not be required to work in excess of eight hours per day for a period of six days in one week, or for more than an average of 48 hours per week in one year (I.C. § 36-8-4-8).
- (d) Record the actual time worked in an overtime status using the department-approved form or method. Informal notations on reports, logs or other forms not approved for overtime recording are not acceptable.
- (e) Submit the request for overtime compensation to their supervisors by the end of shift or no later than the member's next scheduled work day.

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### *Overtime Compensation*

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#### 1016.4.2 SUPERVISOR RESPONSIBILITIES

Supervisors shall:

- (a) Prior to authorizing an employee to work overtime, evaluate the need for the overtime.
  1. Supervisors should not authorize any request to work overtime if the overtime would not be an appropriate use of department resources.
  
- (b) Upon receipt of a request for overtime compensation, confirm that the overtime was authorized and then verify the actual time worked.
  1. Supervisors identifying any unauthorized overtime or discrepancy shall initiate an investigation consistent with the Personnel Complaints Policy.
  
- (c) After verifying and approving the overtime amount, promptly forward the request for compensation to Support Services for final approval as soon as practicable.

Supervisors may not authorize or approve their own overtime.

#### 1016.5 ACCOUNTING FOR PORTIONS OF AN HOUR

Authorized overtime work shall be accounted in the increments as listed:

TIME WORKED	INDICATE ON CARD	
Up to 15 minutes	.25 hour	
16 to 30 minutes	.50 hour	
31 to 45 minutes	.75 hour	
46 to 60 minutes	1 hour	

##### 1016.5.1 VARIATION IN TIME REPORTED

When two or more employees are assigned to the same activity, case or court trial, and the amount of time for which overtime compensation is requested varies among the officers, the Shift Supervisor or other approving supervisor may require each employee to include the reason for the variation on the overtime compensation request.

#### 1016.6 REQUESTING USE OF COMPENSATORY TIME

Employees who are authorized to accrue compensatory time shall be allowed to use that time for time off within a reasonable period after making a request, if the request does not unduly disrupt department operations. Requests to use compensatory time will be submitted to the employee's supervisor at least 24 hours in advance of its intended use. Supervisors may make exceptions in unusual or extraordinary circumstances.

Compensatory time may not be used for time off for a date and time when the employee is required to appear in court on department-related matters. Supervisors shall not unreasonably deny employee requests to use compensatory time (29 CFR 553.25).

## Outside Employment and Outside Overtime

### 1017.1 PURPOSE AND SCOPE

This policy provides guidelines for department members who seek to engage in authorized outside employment or outside overtime.

#### 1017.1.1 DEFINITIONS

Definitions related to this policy include:

**Outside employment** - Duties or services performed by members of this department for another employer, organization or individual who is not affiliated directly with this department when wages, compensation or other consideration for such duties or services is received. Outside employment also includes duties or services performed by those members who are self-employed and receive compensation or other consideration for services, products or benefits rendered.

**Outside overtime** - Duties or services performed by members of this department for a private organization, entity or individual, that are requested and scheduled directly through the Department. Member compensation, benefits and costs for such outside services are reimbursed to the Department.

### 1017.2 POLICY

Members of the South Bend Police Department shall obtain written approval from the Chief of Police or the authorized designee prior to engaging in any outside employment or outside overtime. Approval of outside employment or overtime shall be at the discretion of the Chief of Police. Failure to obtain prior written approval for outside employment or overtime, or engaging in outside employment or overtime that is prohibited by this policy, may lead to disciplinary action.

### 1017.3 OUTSIDE EMPLOYMENT

#### 1017.3.1 REQUEST AND APPROVAL

Members must submit an officer's report or form requesting outside employment to the Chief of Police for consideration.

If approved, the member will be notified in writing, including via email, and a copy of the approval will be placed in the member's personnel file. Unless otherwise indicated in writing in the officer's report or form, approval for outside employment will be valid through the end of the calendar year in which the request is approved. Members seeking to continue outside employment must submit a new request form at the start of each calendar year.

#### 1017.3.2 DENIAL

Any member whose request for outside employment has been denied should be provided with a written notification of the reason at the time of the denial.

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#### 1017.3.3 REVOCATION OR SUSPENSION

Any member whose approval for outside employment is revoked or suspended should be provided with a written notification of the reason for revocation or suspension.

Approval for outside employment may be revoked or suspended:

- (a) When a supervisor determines the member's performance is failing to meet standards and the outside employment may be related to the deficient performance.
  - 1. Approval for the outside employment may be reestablished when the member's performance has reached a satisfactory level and with his/her supervisor's authorization.
- (b) When a member's conduct or outside employment creates an actual or apparent conflict with department policy or any law.
- (c) When the outside employment creates an actual or apparent conflict of interest with the Department or City.

#### **1017.4 REQUIREMENTS**

##### 1017.4.1 PROHIBITED OUTSIDE EMPLOYMENT

The Department reserves the right to deny any request for outside employment that involves:

- (a) The use of department time, facilities, equipment or supplies.
- (b) The use of the South Bend Police Department badge, uniform or influence for private gain or advantage.
- (c) The member's receipt or acceptance of any money or other consideration for the performance of duties or services that he/she would be required or expected to render in the course or hours of his/her employment or appointment or as a part of his/her regular duties.
- (d) The performance of duties or services that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other member of this department.
- (e) Demands upon the member's time that would render the performance of his/her duties for this department deficient or substandard.
- (f) Activities that may conflict with any other policy or rule of the Department.

Officers shall not work, either directly or indirectly, inside a building or enclosed area while alcoholic beverages are sold and consumed on the premises.

Officers will not engage directly or indirectly in any off-duty employment where nude dancing or similar adult entertainment takes place.

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Officers shall not engage, either directly or indirectly, in any off-duty employment at any location which is connected with unlawful activities involving gambling or narcotic laws of the State of Indiana or of the United States.

Any Officer hired by the South Bend Police Department who has not successfully completed the Field Training Officer Program is restricted from working in any capacity outside of the South Bend Police Department

The restrictions on location set forth in this Section shall not apply to wedding receptions, weddings or other religious activities .

The Chief of Police shall have the authority to decide if a particular employment or any aspect of it violates this policy.

#### 1017.4.2 DEPARTMENT RESOURCES

Off-duty officers may use their vehicles to travel to and from outside employment within St. Joseph County (IN). However, members are prohibited from using any department equipment or resources in the course of, or for the benefit of, any outside employment. This shall include the prohibition against any member using his/her position with this department to gain access to official records or databases of this department or other agencies.

#### 1017.4.3 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If a member terminates his/her outside employment, the member shall promptly submit an officer's report regarding such termination to the Chief of Police through the chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through the procedures set forth in this policy.

Members shall also promptly submit an officer's report to the Chief of Police regarding any material changes in outside employment, including any change in the number of hours, type of duties or the demands of any approved outside employment. Members who are uncertain whether a change in outside employment is material are advised to report the change.

#### 1017.4.4 LEAVE OR RESTRICTED DUTY STATUS

Members who are placed on leave or other restricted duty status shall inform their immediate supervisors in writing within five days as to whether they intend to continue their outside employment while on such leave or restricted status. The immediate supervisor shall review the duties of the outside employment, along with any related orders (e.g., administrative, medical), and make a recommendation to the Chief of Police regarding whether such employment should continue.

In the event that the Chief of Police determines that the outside employment should be discontinued, or if the member fails to promptly notify his/her supervisor of his/her intention regarding outside employment, a notice revoking approval of the outside employment will be forwarded to the member and a copy attached to the original outside employment request form.

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Criteria for revoking approval due to leave or restricted duty status include, but are not limited to:

- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the City's medical professional advisers.
- (b) The outside employment requires performance of the same or similar physical ability as would be required of an on-duty member.
- (c) The member's failure to make timely notice of his/her intention to the supervisor.

When the member returns to full duty with the South Bend Police Department, an officer's report may be submitted to the Chief of Police requesting approval of the outside employment request.

#### **1017.5 OUTSIDE OVERTIME**

##### **1017.5.1 REQUESTS FOR SPECIAL SERVICES AND EVENTS**

When a private organization, entity or individual has been approved for special services and events (e.g., security, traffic control) such services will be assigned, monitored and compensated through the Department as outside overtime assignments.

- (a) Special services and events during or at the site of a strike, lockout, picket or other physical demonstration of a labor dispute will not be approved.
- (b) Any member working an approved outside overtime shall be subject to the following conditions:
  - 1. The member shall wear the department uniform and carry department identification.
  - 2. The member shall be subject to the rules and regulations of this department.
  - 3. Compensation for such approved outside overtime shall be pursuant to normal overtime procedures (see the Overtime Compensation Policy).
  - 4. Outside overtime shall not be subject to the collective bargaining process.

Outside overtime shall be assigned at the discretion of the Chief of Police or the authorized designee.

##### **1017.5.2 ARREST AND REPORTING PROCEDURE**

Any officer making an arrest or taking other official law enforcement action while working in an outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to the Report Preparation Policy. Time spent on the completion of such reports shall be considered part of the outside overtime assignment.

##### **1017.5.3 SPECIAL RESTRICTIONS**

Except for emergency situations or with prior authorization from the Division Chief, undercover officers or officers assigned to covert operations shall not be eligible to work outside



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overtime in a uniformed or other capacity that could reasonably disclose the officer's law enforcement status.

## Work-Related Illness and Injury Reporting

### 1018.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding timely reporting of work-related injuries and occupational illnesses.

#### 1018.1.1 DEFINITIONS

Definitions related to this policy include:

**Work-related illness or injury** - An injury or a disease arising out of and in the course of employment. This includes a disease that is a result of a work-related injury (I.C. § 22-3-6-1; I.C. § 22-3-7-10).

### 1018.2 POLICY

The South Bend Police Department will address work-related injuries and occupational illnesses appropriately, and will comply with applicable state worker's compensation requirements.

### 1018.3 RESPONSIBILITIES

#### 1018.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational illness or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor and shall seek medical care when appropriate (I.C. § 22-3-3-1). The employee shall assist and cooperate with the enforcement of the City's rights against any third party who caused the injury or illness in any way.

#### 1018.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any work-related injury or occupational illness should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding worker's compensation are completed and forwarded promptly to the Support Services Captain. Any related City-wide injury- or illness-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

#### 1018.3.3 DIVISION CHIEF RESPONSIBILITIES

The Division Chief or authorized designee who receives a report of an occupational illness or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police, the City's risk management entity and the Director of Administrative Services to ensure any required Indiana Occupational Safety and Health Act (IOSHA) reporting is made as required in the Illness and Injury Prevention Policy.

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### *Work-Related Illness and Injury Reporting*

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#### 1018.3.4 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police shall review and ensure copies of the report are forwarded to the Human Resources Department. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

#### 1018.4 OTHER ILLNESS OR INJURY

Illnesses and injuries caused or occurring on-duty that do not qualify for worker's compensation reporting shall be documented on the exposure form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Division Chief through the chain of command and a copy sent to the Support Services Captain.

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.

#### 1018.5 SETTLEMENT OFFERS

When a member sustains an occupational illness or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

##### 1018.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

When a member sustains an occupational illness or work-related injury that is caused by another person, no less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational illness or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing at least 30 days prior written notice to the Chief of Police and City Legal Department. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the illness or injury, and to protect the City's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

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## Personal Appearance Standards

### 1019.1 PURPOSE AND SCOPE

This policy provides guidelines for the personal appearance of members of the South Bend Police Department.

Requirements for department uniforms and civilian attire are addressed in the Uniforms and Civilian Attire Policy.

### 1019.2 POLICY

South Bend Police Department members shall maintain their personal hygiene and appearance to project a professional image that is appropriate for this department and for their assignments. Department personal appearance standards are primarily based on safety requirements, appearance conformity and the social norms of the community served, while considering matters important to members of the Department.

### 1019.3 GROOMING

Unless otherwise stated and because deviations from these standards may present officer safety issues, the following appearance standards shall apply to all members, except those whose current assignments would deem them not applicable, and where the Chief of Police has granted an exception.

#### 1019.3.1 PERSONAL HYGIENE

All members must maintain proper personal hygiene. Examples of improper personal hygiene include, but are not limited to, dirty fingernails, bad breath, body odor and dirty or unkempt hair. Any member who has a condition due to a protected category (e.g., race, physical disability) that affects any aspect of personal hygiene covered by this policy may qualify for an accommodation and should report any need for an accommodation to the Chief of Police.

#### 1019.3.2 HAIR

Hair shall be clean, neatly trimmed or arranged, and of a natural hair color. Hairstyles with shaved designs in the scalp are prohibited. Hair adornments shall be primarily for the purpose of securing the hair and must present a professional image.

Hairstyles for male department members must not extend below the top edge of a uniform or dress shirt collar while assuming a normal stance. Hairstyles shall be conservative and not call attention to an officer because of its unnatural color, design, or style (examples include, but are not limited to, ponytails, pigtails, and buns).

When working a field assignment, hairstyles for female department members must not extend below the bottom edge of the shoulder blades while assuming a normal stance. It is recommended for safety reasons that longer hair shall be worn up or in a tightly wrapped braid or ponytail that is secured to the head above the bottom edge of the shirt collar.

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### *Personal Appearance Standards*

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#### 1019.3.3 MUSTACHES

Mustaches alone shall not extend below the lower lip or beyond the natural hairline of the upper lip and shall be short and neatly trimmed.

#### 1019.3.4 SIDEBURNS

Sideburns alone shall not extend below the bottom of the earlobe and shall be trimmed and neat.

#### 1019.3.5 FACIAL HAIR

Facial hair, other than sideburns, mustaches and eyebrows, is allowed, but only in the prescribed fashion(s) and manner as presented to officers.

#### 1019.3.6 FINGERNAILS

Fingernails shall be clean and neatly trimmed to a length that will not present a safety concern. The color of fingernail polish shall present a professional image.

### **1019.4 APPEARANCE**

#### 1019.4.1 JEWELRY

For the purpose of this policy, jewelry refers to earrings, necklaces, bracelets, wristwatches and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the department member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related or obscene language is not allowed. See the Uniforms and Civilian Attire Policy for jewelry specifications that apply while wearing the department uniform.

- (a) Necklaces shall not be visible above the shirt collar.
- (b) One ring or ring set may be worn on each hand of the department member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.
- (c) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.
- (d) Wristwatches shall be conservative and present a professional image.
- (e) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

#### 1019.4.2 TATTOOS

Tattoos are allowed, but cannot be: obscene, or advocate sexual, racial, ethnic, or religious discrimination is prohibited whether in or out of uniform. Examples of offensive tattoos include, but are not limited to, those that exhibit or advocate discrimination against sex, race, religion, ethnicity, national origin, sexual orientation, age, physical or mental disability, medical condition or marital status; those that exhibit gang, supremacist or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts or other obscene material.

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#### 1019.4.3 BODY PIERCING OR ALTERATION

Body piercing (other than earlobes) or alteration to any area of the body that is visible while on-duty or while representing the South Bend Police Department in any official capacity, that is a deviation from normal anatomical features and that is not medically required, is prohibited. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement (i.e., foreign objects inserted under the skin to create a design or pattern).
- (c) Abnormal shaping of the ears, eyes, nose or teeth (i.e., enlarged or stretched out holes in the earlobes).
- (d) Branding, scarification or burning to create a design or pattern.

#### 1019.4.4 DENTAL ORNAMENTATION

Dental ornamentation that is for decorative purposes and not medically required is prohibited while on-duty or while representing the South Bend Police Department in any official capacity. Such ornamentation includes, but is not limited to:

- (a) Objects that are bonded to front teeth.
- (b) Gold, platinum or other veneers or caps used for decorative purposes.
- (c) Orthodontic appliances that are colored for decorative purposes.

#### 1019.4.5 GLASSES AND CONTACT LENSES

Eyeglasses and sunglasses shall be conservative and present a professional image. Contact lenses with designs that change the normal appearance of the eye and that are not medically required are prohibited while on-duty or while representing the South Bend Police Department in any official capacity.

#### 1019.4.6 COSMETICS AND FRAGRANCES

Cosmetics shall be conservative and present a professional image. Use of cologne, perfume, aftershave lotion and other items used for body fragrance shall be kept to a minimum.

#### 1019.4.7 UNDERGARMENTS

Proper undergarments shall be worn as necessary for reasons of hygiene and general appearance standards.

### **1019.5 RELIGIOUS ACCOMMODATION**

The religious beliefs and needs of department members should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The Chief of Police should be advised any time a request for religious accommodation is denied.

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Those who request to wear headscarves or simple head coverings or certain hairstyles or facial hair for religious reasons should generally be accommodated absent unusual circumstances.

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## Uniforms and Civilian Attire

### 1020.1 PURPOSE AND SCOPE

This policy provides guidelines for South Bend Police Department-authorized uniforms and civilian attire regulations. It is established to ensure that uniformed members will be readily identifiable to the public through the proper use and wearing of department uniforms, and that the appearance of members who wear civilian attire reflects favorably on the Department.

This policy addresses the wearing and maintenance of department uniforms, accessories, insignia, patches and badge; the requirements for members who wear civilian attire; and the authorized use of optional equipment and accessories by members of the Department.

Other related topics are addressed in the Badges, Patches and Identification, Department-Owned and Personal Property, and Personal Appearance Standards policies.

### 1020.2 POLICY

The South Bend Police Department will provide uniforms for all employees who are required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement. The Department may provide other department members with uniforms at the direction of the Chief of Police.

All uniforms and equipment issued to department members shall be returned to the Department upon termination or resignation.

### 1020.3 UNIFORMS

The Chief of Police or the authorized designee shall maintain and update uniform and equipment specifications, which should be consulted by all members as needed. Uniforms shall be worn as described therein and as specified in this policy.

The following shall apply to those assigned to wear department-issued uniforms:

- (a) Uniforms and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean and appear professionally pressed.
- (b) Officers in a non-uniformed assignment shall possess and maintain at all times a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Uniforms shall be worn in compliance with any applicable department specifications.
- (d) Members shall wear only the uniforms specified for their ranks and assignments.
- (e) Civilian attire shall not be worn in combination with any distinguishable part of a uniform (the department-issued outerwear would be an exception to this rule due to its reversible ANSI interior).
- (f) Uniforms are only to be worn while on-duty, for court, at official department functions or events, while engaged in authorized outside employment or overtime or when authorized by the Chief of Police or the authorized designee.



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### *Uniforms and Civilian Attire*

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- (g) Members are not to purchase or drink alcoholic beverages while wearing any part of department-issued uniforms that would make the member identifiable as a South Bend Police Department officer.
- (h) All supervisors will perform periodic inspections of members under their commands to ensure conformance to this policy.

#### 1020.3.1 ACCESSORIES

Members shall adhere to the following when wearing department uniforms:

- (a) Mirrored sunglasses will not be worn.
- (b) Jewelry shall be in accordance with the specifications in the Personal Appearance Standards Policy. Unless specifically authorized by the Chief of Police or the authorized designee, only the following jewelry may be worn with the uniform:
  1. Necklaces must be worn inside the uniform shirt and must not be able to fall out.
  2. Rings
  3. Wristwatch
  4. Medical alert bracelet

#### 1020.3.2 INSIGNIA, PATCHES AND BADGE

Only the following elements may be affixed to department uniforms unless an exception is authorized by the Chief of Police:

- (a) Shoulder patch - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets.
- (b) Badge - The department-issued badge, or an authorized sewn-on cloth replica, must be worn and visible at all times while in uniform.
- (c) Nameplate - The regulation nameplate, or an authorized sewn-on cloth nameplate, shall be worn at all times while in uniform.
- (d) Rank insignia - The designated insignia indicating the member's rank must be worn at all times while in uniform.
- (e) Service insignia - The designated insignia indicating the member's length of service may be worn on long-sleeve, Class A shirts and on outer jackets. The insignia shall be machine stitched to the left sleeve of the uniform/jacket.
- (f) Assignment insignias - Assignment insignias (e.g., Special Weapons and Tactics Team (SWAT), Field Training Officer (FTO)) may be worn as designated by the Chief of Police.

#### 1020.3.3 MOURNING BAND

Uniformed members shall wear a black mourning band across the department badge as directed by the Chief of Police. The following mourning periods will be observed:

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- (a) South Bend Police Department officer - From the time of death until midnight on the 14th day after the death.
- (b) An 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 an out-of-region fallen officer.
- (d) National Peace Officers' Memorial Day (May 15) - From 0001 hours until 2359 hours.
- (e) As directed by the Chief of Police or designee.

#### **1020.4 UNIFORM CLASSES**

The Chief of Police or the authorized designee shall determine the uniform to be worn by each department member or any deviations that may be authorized.

Uniforms are classified as follows:

- (a) Class A - Full dress uniform to be worn by designated department members on special occasions, such as funerals, graduations, ceremonies, or as directed by the Chief of Police or the authorized designee.
- (b) Class B - Standard issue uniform to be worn daily by designated department members.
- (c) Class C - General utility uniform to be worn by designated Department members.
- (d) Specialized assignment - Specific uniforms to be worn by members in special assignments or divisions.

##### **1020.4.1 CLASS A UNIFORM**

The Class A uniform consists of the following:

- (a) Dress hat
- (b) Long- or short-sleeve shirt
  1. A white crew neck t-shirt must be worn under the uniform shirt.
  2. All shirt buttons must remain buttoned, except for the top button at the neck.
  3. Long sleeves must be buttoned at the cuff.
- (c) Trousers
- (d) Black belt
  1. Belts shall be equipped as needed for the member's assignment.
- (e) Dark blue or black socks
- (f) Black polished shoes
  1. Boots with pointed toes are not permitted.

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#### 1020.4.2 CLASS B UNIFORM

The Class B uniform consists of the following:

- (a) Long- or short-sleeve shirt
  1. A black crew neck t-shirt must be worn under the uniform shirt.
  2. All shirt buttons must remain buttoned except for the top button at the neck.
  3. Long sleeves must be buttoned at the cuff.
- (b) Trousers
- (c) Black belt
  1. Belts shall be equipped as needed for the member's assignment.
- (d) Dark blue or black socks
- (e) Black polished shoes
  1. Approved black unpolished shoes may be worn.
  2. Boots with pointed toes are not permitted.
  3. Decorative stitching or adornment is not permitted.
- (f) Weather-appropriate items
  1. Hat
  2. Dark blue or black mock turtleneck may be worn under the long-sleeve uniform shirt (SBPD is the only authorized insignia)
  3. Jacket
  4. Rain gear

#### 1020.4.3 CLASS C UNIFORM

The Chief of Police or the authorized designee will establish the specifications, regulations and conditions for wearing the Class C uniform.

#### 1020.4.4 SPECIALIZED ASSIGNMENT UNIFORM

The Chief of Police or the authorized designee may authorize certain uniforms to be worn by members in specialized assignments, such as canine handlers, the SWAT, bicycle patrol, motor officers and other specific assignments.

#### **1020.5 CIVILIAN ATTIRE**

There are assignments within the Department that do not require a uniform because recognition and authority are not essential to their functions. There are also assignments for which civilian attire is necessary.

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### *Uniforms and Civilian Attire*

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- (a) Civilian attire shall fit properly, be clean and free of stains, and not be damaged or excessively worn.
- (b) Members assigned to administrative, investigative, support positions, temporary modified-duty assignments, and other positions as may be directed by the Chief of Police or authorized designee, shall wear business-appropriate clothing that is conservative in style.
  - 1. Sworn members not on a temporary modified-duty assignment shall carry their department-authorized handgun, department-issued identification and badge, handcuffs and radio.
- (c) Variations from this policy are allowed at the discretion of the Chief of Police or the authorized designee.
- (d) No item of civilian attire may be worn while on-duty that would adversely affect the reputation of the South Bend Police Department or the morale of the members.
- (e) Unless authorized by the Chief of Police or authorized designee, the following items shall not be worn while on-duty or when representing the Department in any official capacity:
  - 1. Clothing that reveals cleavage, the back, chest, stomach or buttocks
  - 2. T-shirt alone or exposed undergarments
  - 3. Swimsuits, tank tops, tube tops or halter tops
  - 4. Sweatshirts, sweatpants or similar exercise clothing
  - 5. Spandex-type pants or transparent clothing
  - 6. Denim pants of any color
  - 7. Shorts
  - 8. Open-toed shoes
  - 9. Clothing, buttons or pins displaying racial, sexual, discriminatory, gang-related or obscene language

#### **1020.6 OPTIONAL EQUIPMENT**

Any items that are allowed by the South Bend Police Department but that have been identified as optional shall be purchased entirely at the expense of the member. No part of the purchase cost shall be offset by the department.

Maintenance of optional items shall be the financial responsibility of the purchasing member (e.g., repairs due to normal wear and tear).

Replacement of items listed in this policy as optional shall be managed as follows:

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- (a) When the item is no longer functional because of normal wear and tear, the member bears the full cost of replacement.
- (b) When the item is no longer functional because of damage in the course of the member's duties, it shall be replaced in accordance with the Department-Owned and Personal Property Policy.

#### **1020.7 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES**

South Bend Police Department members may not wear any uniform item, accessory or attachment unless specifically authorized by the Chief of Police or the authorized designee.

Department members may not use or carry any safety item, tool or other piece of equipment (except for extra handcuffs or flashlight) unless specifically authorized by the Chief of Police or the authorized designee.

#### **1020.8 SUPERVISOR RESPONSIBILITIES**

Supervisors are required to inspect, address and rectify any instances of non-compliance with this policy.

## Cadets

### 1021.1 PURPOSE AND SCOPE

This policy establishes the guidelines for South Bend Police Department Cadets.

### 1021.2 POLICY

It is the policy of the South Bend Police Department to offer a program for Cadets to familiarize and prepare qualified individuals for a career in law enforcement. The Cadet program is a four-year program, which allows Cadets to perform non-sworn law enforcement station/field duties, including but not limited to equipment operation, report writing, administrative communication and other duties as assigned by the Department Training Bureau. The Department shall ensure that those participating in the program are properly appointed, trained and supervised.

### 1021.3 RECRUITMENT, SELECTION AND APPOINTMENT

The South Bend 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.

Applicants shall be required to meet and pass certain pre-appointment procedures as designated by the Chief of Police.

#### 1021.3.1 REQUIREMENTS

Cadets shall be assigned in rotating areas of the Department. During the school year, Cadets shall be required to work 20 hours per week, and 40 hours per week during the summer break. Work hours and days of the week will vary.

Individuals in the Cadet program shall:

- (a) Be between the ages of 18 and 22.
- (b) Possess a valid driver's license.
- (c) Have graduated from high school and be enrolled to attend college in the next possible school term.
- (d) Carry a minimum of 12 units in an acceptable major and maintain a grade point average of 2.0 or higher, while attending college.

#### 1021.3.2 COMPENSATION

Cadets will receive an annual salary. Cadets will receive paid tuition (up to \$2,000.00 per semester), in the form of a loan. Cadets maintaining a grade point average of 3.5 or higher will be eligible for a bonus of \$250.00.

Cadets that fail to maintain a 2.0 grade point average, or are asked to leave the program, or fail to become a sworn member of the South Bend Police Department for a period of five years, shall be required to reimburse the City of South Bend for all tuition payments.

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### *Cadets*

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#### 1021.3.3 IDENTIFICATION

Cadets shall conform to all of the uniform regulation and appearance standards of this department.

Each Cadet will be provided two uniforms, which will meet the specifications described in the designated uniform and equipment specifications. The identification worn by uniformed Cadets shall be different and distinct from that worn by regular department personnel; it will include the designation "Cadet" on the uniform.

Cadets will be issued their South Bend Police Department identification cards, which must be carried at all times while on-duty. The South Bend Police Department identification card will be the standard identification card, with the exception that "Cadet" will be indicated on the card. Cadets shall be required to return any issued uniform or department property at the termination of service.

#### 1021.3.4 RESTRICTIONS

Cadets are strictly prohibited from carrying firearms, or any defensive devices, while on-duty or in their Cadet uniform.

#### 1021.4 CADET COORDINATOR

The Training Bureau shall delegate certain responsibilities to a Cadet coordinator. The Cadet coordinator shall be appointed by, and directly responsible to, the Training Bureau or the authorized designee.

The responsibilities of the Cadet coordinator or the authorized designee include, but are not limited to:

- (a) Overseeing the Cadet program, including:
  - 1. Conducting Cadet program meetings.
  - 2. Monitoring the overall Cadet program activities.
- (b) Making individual Cadet assignments.
- (c) Maintaining and ensuring performance evaluations are completed.
- (d) Monitoring the Cadet training program.
- (e) Monitoring individual educational and job performance.

#### 1021.4.1 CADET MEETINGS

All Cadet meetings will be scheduled and conducted by the Cadet coordinator. All Cadets are required to attend. Any absences must be satisfactorily explained to the Cadet coordinator.

#### 1021.5 ORIENTATION AND TRAINING

Newly hired Cadets will receive a comprehensive Police Cadet information packet and an orientation of the Department and its facilities before reporting to their first assignments. Cadets shall refer to the information packet for detailed information concerning the selection process, chain of command, uniform and appearance standards and Cadet duties and restrictions. On-the-job training will be conducted in compliance with designated department Cadet training guidelines.

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### *Cadets*

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Training sessions will be scheduled as needed to train Cadets for as many assignments as possible. In addition to job-specific training, information will be offered to prepare Cadets to compete successfully in a police officer selection process and academy training. All Cadet training will focus on improving job performance, as well as preparation to become a police officer. These meetings will also offer an opportunity for Cadets to receive continuous feedback regarding their progress in the Cadet program.

#### **1021.5.1 CADET TRAINING MATERIALS**

Each new Cadet will be issued Cadet training materials. The Cadet training materials are an outline of the subject matter and/or skills necessary to properly function as an Cadet with the South Bend Police Department. The Cadet shall become knowledgeable of the subject matter. He/she shall also become proficient with those skills as set forth in the Cadet training materials.

#### **1021.6 ROTATION OF ASSIGNMENTS**

Job assignments should rotate on a regular basis to enhance the career development of each Cadet. Department needs and concerns will take precedence over individual considerations, with the final decision resting with the Cadet coordinator.

In general, more experienced Cadets will be assigned to positions requiring more technical skill or responsibility. They may also serve to train current and newly hired Cadets.

#### **1021.7 RIDE-ALONGS**

All Cadets are authorized to participate in department ride-alongs on their own time and as approved by the Cadet program coordinator or Cadet adviser and the appropriate Shift Supervisor. Applicable waivers must be signed in advance of the ride-along. Cadets shall wear their uniforms while on a ride-along.

#### **1021.8 SUPERVISION**

All Cadets shall be under the direct supervision of a member of the Department or the authorized designee. Cadets shall never supervise regular department personnel.

#### **1021.9 PERFORMANCE EVALUATIONS**

Performance evaluations for all Cadets should be completed monthly during the first year and on a yearly basis thereafter to assess current job performance and their potential as police officers.



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## Conflict of Interest

### 1022.1 PURPOSE AND SCOPE

The purpose of this policy is to assist members in recognizing and avoiding potential conflicts of interest, thereby ensuring effective and ethical operating practices on the part of the South Bend Police Department.

#### 1022.1.1 DEFINITIONS

Definitions related to this policy include:

**Conflict of interest** - Any actual, perceived or potential conflict, in which it reasonably appears that a member's action, inaction or decisions are or may be influenced by a personal or business relationship.

### 1022.2 POLICY

Members of the South Bend Police Department are expected to conduct themselves with the utmost professional integrity and objectivity. Members will guard against actual or perceived conflicts of interest in order to ensure the fair and equitable treatment of department members and the public, and thereby maintain the trust of the public and department members.

### 1022.3 PROHIBITIONS

The Department prohibits the following types of personal or business relationships among members:

- (a) Members are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other member who is a relative or with whom they are involved in a personal or business relationship (I.C. § 36-1-20.2-10).
  1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved member to an uninvolved supervisor.
  2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing members in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any member to another position within the same classification in order to avoid conflicts with any provision of this policy.
- (b) Members are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting a member who is a relative or with whom they are involved in a personal or business relationship.
- (c) Whenever possible, field training officers (FTOs) and other trainers will not be assigned to train relatives. Department FTOs and other trainers are prohibited from

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### *Conflict of Interest*

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entering into or maintaining personal or business relationships with any member they are assigned to train until such time as the training has been successfully completed and the person is off probation.

#### **1022.4 MEMBER RESPONSIBILITIES**

Members shall avoid situations that create a conflict of interest. Members should take reasonable steps to address a perception of a conflict of interest when such a perception is reasonably foreseeable and avoidable (e.g., deferring a decision to an uninvolved member).

Whenever any member is placed in circumstances that would require him/her to take enforcement action or to provide official information or services to any relative or individual with whom the member is involved in a personal or business relationship, that member shall promptly notify his/her uninvolved, immediate supervisor.

In the event that no uninvolved supervisor is immediately available, the member shall promptly notify the dispatcher to have another uninvolved member either relieve the involved member or, minimally, remain present to witness the action.

#### **1022.5 SUPERVISOR RESPONSIBILITIES**

Upon being notified of or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police or the authorized designee of such actual or potential violations through the chain of command.

## Badges, Patches and Identification

### 1023.1 PURPOSE AND SCOPE

The South Bend Police Department (SBPD) badge, patch and identification card, as well as the likeness of these items and the name of the Department, are property of the Department. Their use shall be restricted as set forth in this policy.

### 1023.2 POLICY

Members of the Department will use the SBPD badge, patch and identification card, as well as the likeness of these items, appropriately and professionally.

### 1023.3 UNAUTHORIZED USE

The SBPD badge, patch and identification card shall not be displayed or used by any member except when acting in an official or authorized capacity.

Department members shall not:

- (a) Display or use the SBPD badge, patch or identification card for personal gain or benefit.
- (b) Loan the SBPD badge, patch or identification card to others or permit these items to be reproduced or duplicated.
- (c) Use images of the SBPD badge, patch or identification card, or the likeness thereof, or the South Bend Police Department name, for personal or private reasons including, but not limited to, letters, memoranda and electronic communications, such as email, blogs or social networking or websites.

#### 1023.3.1 LOST BADGE, PATCH OR IDENTIFICATION CARD

Department members shall promptly notify their supervisors whenever their SBPD badges, patches or identification cards are lost, damaged or are otherwise removed from their control.

### 1023.4 BADGES

The Chief of Police shall determine the form of badges authorized for use by department members. No other badges may be used, carried, worn or displayed.

Only badges authorized by the Department are to be used, displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

Members may purchase at their own expense an identical second badge or flat badge that can be carried in a wallet. The badge purchase shall have the member's current rank or name imprinted or embossed on it. The purchase of any other badge shall require the approval of the Chief of Police.

#### 1023.4.1 RETIREE BADGES

The Chief of Police may issue a retiree badge to sworn members who have honorably retired.

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### *Badges, Patches and Identification*

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#### 1023.4.2 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the SBPD badge shall not be used for any purpose without the express authorization of the Chief of Police and shall be subject to the following:

- (a) An authorized employee group may use the likeness of the SBPD badge for merchandise and official employee group business provided it is used in a clear representation of the employee group and not the South Bend Police Department. The following modification shall be included:
  - 1. Any text identifying the South Bend Police Department is replaced with the name of the employee group.
  - 2. A badge number is not included. That portion of the badge may display the acronym of the employee group.

#### 1023.5 IDENTIFICATION CARDS

All members will be issued an official SBPD identification card bearing the member's name, full-face photograph, member identification number, member's signature and signature of the Chief of Police or the official seal of the Department. All members shall be in possession of their department-issued identification cards at all times while on-duty or in department facilities.

- (a) Whenever on-duty or acting in an official capacity representing the Department, members shall display their department-issued identification cards in a courteous manner to any person upon request and as soon as practicable.
- (b) Officers or other members working specialized assignments may be excused from the possession and display requirements when directed by their Division Chiefs or authorized designee.

#### 1023.6 BUSINESS CARDS

The Department will supply business cards to those members whose assignments involve frequent interaction with the public or who may require the use of a business card. The only authorized business cards are those issued or approved by the Department and should contain identifying information including, but not limited to, the member's name, division, badge or other identification number and contact information (e.g., telephone number, email address).

Members should provide a business card upon request.

## Temporary Modified-Duty Assignments

### 1024.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules or current collective bargaining agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

### 1024.2 POLICY

Subject to operational considerations, the South Bend Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

### 1024.3 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 Indiana Civil Rights Act shall be treated equally, without regard to any preference for a work-related injury.

No position in the South Bend Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle or engaging in outside employment, or may otherwise limit them in employing their law enforcement officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period, per employee.

### 1024.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

The Department may require the member to provide certification from the treating medical professional containing:

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### *Temporary Modified-Duty Assignments*

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- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Division Chief will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the Human Resources Department and the City Attorney as appropriate.

#### **1024.5 ACCOUNTABILITY**

Verbal notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Division Chief.

##### **1024.5.1 EMPLOYEE RESPONSIBILITIES**

The responsibilities of employees assigned to temporary modified duty shall include, but are not limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors after each appointment, and no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Division Chief that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

##### **1024.5.2 SUPERVISOR RESPONSIBILITIES**

The employee's immediate supervisor, while working in a temporary modified-duty assignment, shall monitor and manage the work schedule.

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

- (a) Periodically apprising the Division Chief or designee of the status and performance of employees assigned to temporary modified duty.

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### *Temporary Modified-Duty Assignments*

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- (b) Notifying the Division Chief or designee and the Department of Safety and Risk, and ensuring that the required documentation facilitating a return to full duty is received from the employee.

#### **1024.6 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.

#### **1024.7 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.

##### **1024.7.1 NOTIFICATION**

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.

#### **1024.8 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.

#### **1024.9 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 and the Training Bureau of any inability to maintain any certification, training or qualifications.

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# Speech, Expression and Social Networking

## 1025.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of member speech and expression with the needs of the South Bend Police Department.

This policy applies to all forms of communication including, but not limited to, film, video, print media, public or private speech and use of all Internet services, including the Web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit a member from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, about matters of public concern, such as misconduct or corruption.

Members are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

## 1025.2 POLICY

Members of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the South Bend Police Department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that members of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Department will carefully balance the individual member's rights against the needs and interests of the Department when exercising a reasonable degree of control over its members' speech and expression.

## 1025.3 SAFETY

Members should carefully consider the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of South Bend Police Department members, such as posting personal information in a public forum or posting a photograph taken with a GPS-enabled camera, can result in compromising a member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any member, a member's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.



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### *Speech, Expression and Social Networking*

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- Disclosing the address of a fellow department member.
- Otherwise disclosing where another officer can be located off-duty.

#### **1025.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT**

To meet the safety, performance and public-trust needs of the South Bend Police Department, the following are prohibited unless the speech is otherwise protected (for example, a member speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Department or its members.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Department and tends to compromise or damage the mission, function, reputation or professionalism of the Department or its members. Examples may include:
  1. Statements that indicate disregard for the law or the state or U.S. Constitutions.
  2. Expression that demonstrates support for criminal activity.
  3. Participation in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the member as a witness. For example, posting to a website statements or expressions that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the members of the Department (e.g., a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape).
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment or appointment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.
- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the South

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Bend Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

Members must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

#### **1025.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS**

While members are not restricted from engaging in the following activities as private citizens or as authorized members of recognized bargaining units or employee groups, members may not represent the South Bend Police Department or identify themselves in any way that could be reasonably perceived as representing the Department in order to do any of the following, unless specifically authorized by the Chief of Police:

- (a) Endorse, support, oppose or contradict any political campaign or initiative
- (b) Endorse, support, oppose or contradict any social issue, cause or religion
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video or public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization, including as an authorized member of a recognized bargaining unit or an employee group, is affiliated with this department, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the South Bend Police Department.

Members retain their rights to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of recognized bargaining units or employee groups, on political subjects and candidates at all times while off-duty. However, members may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Members are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

#### **1025.5 PRIVACY EXPECTATION**

Members forfeit any expectation of privacy with regard to emails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

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#### **1025.6 CONSIDERATIONS**

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or the authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

## Illness and Injury Prevention

### 1026.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the South Bend Police Department, in accordance with the requirements of I.C. § 22-1-1-10 and I.C. § 22-8-1.1-2.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Citywide safety efforts.

### 1026.2 POLICY

The South Bend Police Department is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Department will establish and maintain an illness and injury prevention plan and will provide tools, training and safeguards designed to reduce the potential for accidents, injuries and illness. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

### 1026.3 ILLNESS AND INJURY PREVENTION PLAN

The City of South Bend Safety and Risk Management Director is responsible for developing an illness and injury prevention plan that shall include:

- (a) Workplace safety and health training programs (I.C. § 22-8-1.1-3.1).
  - (a) Indiana workplace safety rules shall be addressed, including those incorporated by reference (620 I.A.C. 1-1-1).
- (b) Regularly scheduled safety meetings.
- (c) Posted or distributed safety information (610 I.A.C. 9-2-3).
- (d) A system for members to anonymously inform management about workplace hazards.
- (e) Establishment of a safety and health committee that will:
  - 1. Meet regularly.
  - 2. Prepare a written record of safety and health committee meetings.
  - 3. Review the results of periodic scheduled inspections.
  - 4. Review investigations of accidents and exposures.
  - 5. Make suggestions to command staff for the prevention of future incidents.
  - 6. Review investigations of alleged hazardous conditions.
  - 7. Submit recommendations to assist in the evaluation of member safety suggestions.

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8. Assess the effectiveness of efforts made by the Department to meet applicable standards.
- (f) Establishment of a process to ensure illnesses and injuries are reported as required under I.C. § 22-8-1.1-43.1 for work-related deaths and incidents which result in the hospitalization of three or more members.

#### **1026.4 LOGISTICS BUREAU DIVISION CHIEF RESPONSIBILITIES**

The responsibilities of the Logistics Bureau Division Chief include but are not limited to:

- (a) Managing and implementing a plan to reduce the incidence of member illness and injury.
- (b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:
  1. New member orientation that includes a discussion of safety and health policies and procedures.
  2. Regular member review of the illness and injury prevention plan.
- (c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.
- (d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes but is not limited to:
  1. Informing members of the illness and injury prevention guidelines.
  2. Recognizing members who perform safe work practices.
  3. Ensuring that the member evaluation process includes member safety performance.
  4. Ensuring department compliance to meet standards regarding the following:
    - (a) Communicable diseases (I.C. § 16-41-11-5 et seq.)
    - (b) Indiana Occupational Safety and Health Act (IOSHA) workplace safety rules (I.C. § 22-8-1.1-3.1)
    - (c) Personal protective equipment (PPE) (see the Personal Protective Equipment Policy)
    - (d) Emergency Action Plan (29 CFR 1910.38)
    - (e) Walking working surfaces (29 CFR 1910.21 et seq.; I.C. § 22-8-1.1-16.2; 620 I.A.C. 1-1-1)
    - (f) Personal fall protection systems (29 CFR 1910.140; I.C. § 22-8-1.1-16.2; 620 I.A.C. 1-1-1)
- (e) Making available a form to document inspections, unsafe condition or unsafe work practices, and actions taken to correct unsafe conditions and work practices.
- (f) Making available a form to document individual incidents or accidents.

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- (g) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training, and training providers.
- (h) Conducting and documenting a regular review of the illness and injury prevention plan.

#### **1026.5 SUPERVISOR RESPONSIBILITIES**

Supervisor responsibilities include, but are not limited to:

- (a) Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.
- (b) Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.
- (c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.
- (d) Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted to the City of South Bend Safety and Risk Management Director.
- (e) Notifying the City of South Bend Safety and Risk Management Director when:
  1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
  2. New, previously unidentified hazards are recognized.
  3. Occupational illnesses and injuries occur.
  4. New and/or permanent or intermittent members are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
  5. Workplace conditions warrant an inspection.

#### **1026.6 HAZARDS**

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to their immediate supervisor.

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

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All significant actions taken and dates they are completed shall be documented on the appropriate form. This form should be forwarded to the Support Services Commander or the authorized designee via the chain of command.

The Support Services Commander or the authorized designee will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

#### **1026.6.1 SAFETY DEVICES AND SAFEGUARDS**

Members shall not remove or damage any safety device or safeguard put in place by the Department for workplace safety or interfere with any workplace safety process. Each member shall comply with applicable IOSHA rules (I.C. § 22-8-1.1-4; I.C. § 22-8-1.1-5).

#### **1026.7 INSPECTIONS**

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The City of South Bend Safety and Risk Management Director shall ensure that the inspections are conducted and that the appropriate documentation is completed for each inspection.

##### **1026.7.1 EQUIPMENT**

Members are charged with daily vehicle inspections of their assigned vehicles and of their PPE prior to working in the field. Members shall complete the appropriate form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

#### **1026.8 INVESTIGATIONS**

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty, shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- (a) A visit to the accident scene as soon as possible.
- (b) An interview of the injured member and witnesses.
- (c) An examination of the workplace for factors associated with the accident/exposure.
- (d) Determination of the cause of the accident/exposure.
- (e) Corrective action to prevent the accident/exposure from reoccurring.
- (f) Documentation of the findings and corrective actions taken.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Work-Related Illness and Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

# South Bend Police Department

## Policy Manual

### *Illness and Injury Prevention*

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#### **1026.9 RECORDS**

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.



## Leave of Absence

### 1027.1 POLICY

It shall be the policy of the South Bend Police Department to comply with requirements established in I.C. 36-8-5-2, and by the South Bend Board of Public Safety for seeking a leave of absence. Members are advised that this policy does not apply to line-of-duty injuries.

### 1027.2 GENERAL

If a member seeks an extended leave, due to sickness or disability after the individual police officer's accrued sick leave has been exhausted, the member must make a formal request, in writing, to the Board of Public Safety. The Board of Public Safety has complete discretion over whether or not to grant the extended leave of absence (I.C. 36-8-5-2).

- (a) A member has no right to extended leave or similar privileges whether injured on- or off-duty. Extended leave is strictly a privilege within the sole discretion of the Board of Public Safety to grant or deny.

### 1027.3 REQUESTING A LEAVE OF ABSENCE

- (a) In all cases, the following requirements must be met:
  1. The member must submit a written statement to the Chief explaining the circumstances which he/she feels justify granting the extended leave of absence. The member should be aware that this letter may be shared with the Board of Public Safety.
  2. The member must have exhausted all existing available leave, including sick days, personal time, vacation days, and time donated from fellow officers prior to the commencement date of the requested leave.
  3. After submitting the statement to the Chief of Police, the member must submit a formal written request to the Board of Public Safety. The request to the Board of Public Safety must state that the member has exhausted all existing leave, including sick days, personal time, vacation days, and time donated by fellow officers.
- (b) If the request is based on medical grounds:
  1. The member must submit to the Board of Public Safety a written physician's statement on the nature of the injury, the anticipated date of recovery and the severity of the disability, and what limitations the member has. If an off-duty injury, the member shall pay for the physician's report. In the event of an on-duty injury, the City will pay for the physician's report pursuant to I.C. 36-8-4-5.
  2. The member MUST submit to an examination by a physician, chosen by the City, if requested by the Chief. Such a request does not extinguish the member's obligations listed above, or his/her right to be examined by another physician at his/her own expense.

# South Bend Police Department

## Policy Manual

### *Leave of Absence*

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3. The member should be aware that all materials, and physicians' recommendations, submitted in support of the request for leave of absence may be shared with the Board of Public Safety.

## Attachments

## Oath of Office.pdf

**OATH OF THE POLICE DEPARTMENT**

**OF THE**

**CITY OF SOUTH BEND, INDIANA**

I do solemnly SWEAR, upon becoming a City of South Bend Police Officer, to at all times protect life and property, abide by the Rules and Regulations adopted by the Board of Public Safety, and by the Rules of the Police Department; as well as the Ordinances of the City of South Bend, Indiana, the Laws and Constitution of the State of Indiana, and the Constitution of the United States of America.

I shall speak the truth at all times, whether under oath or not, and shall promptly act with energy, firmness, and decision in the line of duty. It shall be my duty to devote my time and attention to the service of the community and Department, and to be civil, orderly, courteous and quiet in both conduct and demeanor.

I shall at all times be courteous and respect the rights of others, and shall do my utmost to be a credit to the Department and to the Community I serve. SO HELP ME GOD.

## **Business MOU Camera.pdf**



## CITY OF SOUTH BEND , INDIANA POLICE DEPARTMENT

701 W. Sample St. South Bend, IN. 46601  
574-235-9301



**James Mueller**

*Mayor*

**Scott Ruskowski**

*Chief of Police*

The objective of the following Memorandum of Understanding is the collaboration, participation, and partnership between your business and the South Bend Police Department. The Memorandum establishes channels of communication and sharing of video sources that permit the access of information, as well as collaboration with the expressed goal of providing enhanced responsiveness and situational awareness for the South Bend Police Department for the benefit of your company.

### MEMORANDUM PROCESS

- Provide three (3) original signed documents to the South Bend Police Department  
COPIES ARE NOT PERMITTED
- Witness signature is required on all documents
- When naming your “organization” please provide business name. Name of person, owner, or renter is not permitted.
- When providing the address, list the physical location of the business (not a residence or P.O. box)

# Memorandum of Understanding

## I. INTRODUCTION

**THIS MEMORANDUM OF UNDERSTANDING** (“Memorandum”), executed on \_\_\_\_\_, 202\_\_ between **The South Bend Police Department, 701 W. Sample St. South Bend, Indiana** hereafter referred to as “**SBPD**” and (organization) \_\_\_\_\_ located at (address) \_\_\_\_\_

within the Registry portal, hereafter referred to as “**PARTNER**”.

## II. PREAMBLE

**WHEREAS**, SBPD is the law enforcement agency established by the City of South Bend, Indiana (the “**CITY**”), and is responsible for the preservation of safety and security in the geographic area in which the City has jurisdiction and has established the “South Bend Police Department Real Time Crime Center,” hereinafter “**THE RTCC**”; and

**WHEREAS**, Partner is a business operating within the jurisdiction of the City and desires to participate in the RTCC; and

**WHEREAS**, the objective of this Memorandum is the collaboration and participation of the SBPD and Partner for the safety and security of patrons within and around Partner’s location(s), and for the overall welfare of the public. For the above reason, this Memorandum, establishes channels of communication and sharing of Partner’s video sources that permit the interchange of information, as well as collaboration with the expressed goal of providing enhanced responsiveness and situational awareness by SBPD for the benefit of Partner; and

**WHEREAS**, the missions of the Partner and SBPD are complementary; and

**NOW, THEREFORE**, in consideration of the mutual promises contained herein, SBPD and Partner agree as follows:



### **III. PURPOSE**

The purpose of this Memorandum is to set forth guidelines for sharing of Partner's video sources with SBPD through the RTCC.

### **IV. RESPONSIBILITIES OF SBPD**

SBPD will only access video sources designated by Partner for integration into the City's Fusus software platform. SBPD will not share, access, or provide access to Partner's cameras, camera views, or camera images to any third party including but not limited to members of the public, any media or press outlet, any online media outlet (including any blogs or podcasts), or any other third party not directly employed by the City or any other law enforcement agency, without the consent of SBPD's Chief of Police and without first notifying Partner in writing, unless disclosure is required by State or Federal law, including but not limited to the Access to Public Records Act. Further, SBPD will ensure video access is limited to authorized personnel of the City. Finally, SBPD will ensure any employee responsible for video access is trained on system use and security of access. SBPD will direct any inquiries related to Partner or Partner's video sources to the appropriate designee as indicated in Section V.

### **V. RESPONSIBILITIES OF PARTNER**

Partner will provide SBPD at least one point of contact, as indicated below, with a basic understanding of Partner's inventory and locations of surveillance cameras as required for video sharing. Typical configuration should take less than an hour and may require installation of additional hardware at Partner location(s). Partner will provide reasonable information needed by SBPD for the system to operate including, but not limited to, camera make, model, IP address, and camera and/or associated DVR/NVR login information. Partner shall purchase and furnish/maintain all hardware/software as may be deemed required by SBPD at the Partner's expense.

### **VI. VIDEO ACCESSABILITY, RETRIEVAL, OWNERSHIP**

Video access is granted by Partner to video sources designated by Partner that are controlled by

Partner. Video access is appropriate and deemed useful by the parties to enhance situational awareness and to ensure the public safety of Partner and areas surrounding Partner's location(s). It is neither intended nor expected that Partner's cameras will be routinely monitored in real-time by SBPD. Video sharing by Partner with SBPD is intended to be done in the spirit of partnership for improved situational awareness and efficiency of emergency response by SBPD. SBPD acknowledges and agrees that its right to access, view, or share the video shall be limited to public safety purposes only, except for disclosure requirements under State or Federal law. Video access by SBPD does not constitute commitment on the part of SBPD that video will be viewed when requested by Partner. The provision by the City of assistance with technical system specifications and/or camera location does not guarantee Partner any particular result as to system effectiveness. Partner gives express permission and authorization to SBPD or its designated agents to access the platform and download video it may deem pertinent to an ongoing investigation or inquiry. Video that is downloaded from the Partner's camera system for these purposes is deemed as property and evidence of SBPD for all intents and purposes and may be subject to disclosure under applicable public records laws.

#### **VII. LIMITATION OF LIABILITY; NO GUARANTY**

In no event will either party be liable to the other for any indirect, incidental, special, exemplary, punitive, or consequential damages of any kind, including but not limited to lost revenues, profits, or goodwill, for any matter arising out of or in connection with the performance or nonperformance under this Memorandum. SBPD acknowledges that the Partner retains sole ownership of, sole responsibility for, and exclusive control of the video, video footage, and cameras, unless the video or video footage is deemed evidence by the City. Partner has no obligation to service or install any cameras for or on behalf of the City. SBPD does not guaranty that Partner's participation in the RTCC will provide any meaningful result or benefit to Partner.

#### **VIII. EFFECTIVE DATES AND AMENDMENTS.**

This Memorandum shall take effect upon signing by both parties and shall remain in effect for a period of one (1) year from that date unless earlier terminated. Neither party may assign or transfer all or any portion of this Memorandum without the prior written consent of the other



party.

The Memorandum may be renewed at the end of this period by mutual written agreement by both parties.

The provisions of this Memorandum may only be amended or waived by mutual written agreement by both parties.

Any party may terminate this Memorandum and any related agreement at any time and for any reason by giving 30-day written notice to the other party. Upon receipt of said notice, parties will work together to remove/deactivate any hardware/software within 10 business days of the termination date of this Memorandum.

The individuals executing this Memorandum represent that they have the authorization to execute this Memorandum on behalf of the respective party they represent.

**IX. ENTIRETY**

This Memorandum, including all amendments, if any, embodies the entire and complete understanding and agreement between the parties and no amendment will be effective unless signed by the Partner.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
WITNESS (PARTNER) SIGNATURE

\_\_\_\_\_  
PARTNER SIGNATURE

\_\_\_\_\_  
PRINT WITNESS (PARTNER) NAME

\_\_\_\_\_  
PRINT PARTNER NAME

\_\_\_\_\_  
CHIEF OF POLICE SIGNATURE

\_\_\_\_\_  
DIVISION CHIEF SIGNATURE

# South Bend Police Department Policy Manual

## Policy Manual

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