

## **INTRODUCTION**

### Responsibility

This is your policy manual. It contains the policies, procedures, rules, and regulations of the Village of Nashville Police Department. You are responsible for reading, understanding, and following the policies set forth in this manual. This is not meant to stifle creativity in doing your job. Rather it is intended to be the bedrock upon which you base decisions to better do that job.

### Sections to Note

I want to call your attention particularly to two sections of the manual. The first is the use of deadly force. It concerns a decision that is irreversible. The guidelines listed in this manual will serve you in good stead should you ever need to make a decision concerning the use of deadly force.

The second section I draw to your attention concerns pursuit driving. It is an act, which can have deadly consequences, even though that was not your intent in participating in a pursuit. It is all the more serious because the death that could be cause may be that of an innocent bystander and not the person who originally caused the pursuit to take place. Again, guidelines have been provided to assist you in making a decision about pursuit driving. You should also have in mind the deadly force guidelines when you are involved in a pursuit.

### Philosophy

It is the philosophy of the Village of Nashville Police Department that we exist to protect and serve the people of Nashville. Apprehending people who threaten the safety of the people we serve is part of the job. But, if done in a manner that creates greater danger to the people we are sworn to protect, we are defeating our purpose.

Read and know this manual. It will help you do a better job of serving the people in the Village of Nashville.

Chris Koster  
Chief of Police.

## **INTRODUCTION**

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## **SECTION 1**

### **ADMINISTRATIVE ORGANIZATION**

#### **1.1 Chief of Police**

The Chief of Police is the executive head as appointed by the Village Council and is vested with full power and authority over the organization, administration, and discipline of the Nashville Police Department. All members thereof in so far as such matters are subject to the lawful authority of that position. This authority shall not be assumed to be exercised by any officer of this department except as provided for in these policies, and/or the official orders of the department, or when delegated to an officer of this department by the Chief of Police when necessary for the execution of departmental affairs.

#### **1.2 Command Authority**

When Officers on patrol are equal levels, the officer with the greatest seniority shall be in command unless the Chief of Police to the contrary has issued orders. At his/her discretion, the Chief of Police may designate one of the officers to serve as commanding officer without considering seniority.

#### **1.3 Succession of Command**

In the absence or incapacitation of the designated command officer, the officer with seniority shall assume control until relieved by a superior authority.

#### **1.4 Acting Authority**

An officer who has been designated to serve in an acting capacity by proper authority shall have the authority and responsibility of the position provided it is consistent with these policies or the official orders.

#### **1.5 Seniority**

For purposes of determining command authority, seniority shall be determined first by rank and second by length of service.

#### **1.6 Reporting Police Activities**

Officers of this department shall promptly report all arrests made, investigations conducted, and activities performed. All matters of criminal concern, activities involving law and order, unusual occurrences, or conditions, reports of serious crimes, or incidents of a police nature coming to the attention of any member of the department shall be reported as soon as reasonably possible whether the member is on

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or off duty. Such reports shall be accurate, factual, and in accordance with the procedures established in official orders or by other official directives.

### 1.7 Official Department Business

Members of this department shall treat as confidential the official business of the department. They shall not communicate with anyone, except authorized members of this department, concerning matters arising from departmental operations, activities, or performance of duties, except as required or approved by commanding officers, or as required by law or court order.

### 1.8 Statements in Civil Litigation

Members of the department shall not give statements concerning matters investigated by the department to litigants or their attorneys in civil cases without the knowledge and approval of the Chief of Police. Compliance with an order of any court requiring such statements does not require departmental approval; however, the officer shall notify the Chief of Police of the court order before compliance.

### 1.9 Use of Department Facilities

All employee lockers, desks, and storage areas, which are used by members of the department, are provided solely for the employee's convenience. No employee shall acquire a proprietary right to such lockers or storage areas.

All areas are subject to periodic administrative inspection even if they are locked. Under normal circumstances, such inspections shall be conducted in the presence of the employee.

### 1.10 Duty Status

Patrol Officers shall be considered as on duty whenever they are working during hours assigned by Chief of Police, or when emergency conditions and their responsibilities as police officers require them to act. When not so engaged, they shall be considered off duty. Nothing in this section shall be construed to relieve any officer of his/her responsibility to respond, as a police officer, when particular conditions or the law required such response.

## **SECTION 2**

### **NASHVILLE POLICE DEPARTMENT WRITTEN DIRECTIVES**

#### **2.1 Purpose**

This directive will establish the Policy, Rules and Procedure for implementation and administration of a written directive system.

These orders are for Nashville Police Department use only, and do not apply to any criminal or civil proceedings. This policy should not be construed as a creation of a higher legal standard of safety or care in evidentiary sense with respect to third party claims. Violations of these orders will only form the basis of administrative sanctions. Violations of law will form the basis for criminal and civil sanctions in a recognized judicial setting.

#### **2.2 Policy**

The policy of the Nashville Police Department is to promulgate a distribution system for Policies, Rules and Procedures that guide and direct employees in the performance of their duties.

#### **2.3 Definitions**

**General Orders (G.O.):** General Orders apply to all personnel of the Nashville Police Department regardless of their assignment.

**Divisional Directives (D.D.):** Division Directives apply to the specific unit from which they originate. These will include Patrol Services.

**Departmental Memorandum (D.M.):** Departmental Memorandum has a two-fold purpose; to relate messages and informational material of agency-wide interest or relevance, and to provide timely dissemination of Policies, Rules and Procedural changes.

**Training Bulletins (T.B.):** Training Bulletins contain information on new equipment, safety precautions, clarifications or explanation of legal documents and other information intended to enhance organizational effectiveness and efficiency.

**Personnel Order (P.O.):** Personnel orders announce the appointment of new personnel; new assignments or transfer of employees, promotions, retirements, and other changes in the status of agency personnel.

**Standard Operating Procedures (S.O.P.):** S.O.P.'s describe detailed methods of performing certain duties in a uniform matter.

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### 2.4 Rules

- A. Employees must acknowledge receipt for all General Orders distributed per this policy.
- B. The Chief will periodically check to ensure that personnel have received all Directives and Orders distributed by the agency.

### 2.5 Procedural Guidelines

- A. All General Orders will be issued by or at the direction of the Chief.  
General Orders will be issued to all members of the agency.
- B. The Chief issue all directives.  
Divisional directives will be issued to all members of the affected division and others as deemed appropriate by issuing authority.
- C. All Nashville Police Department staff may issue departmental memorandums.  
Departmental memorandums will be distributed to personnel affected.
- D. The Chief will issue training bulletins.  
Training bulletins will be distributed to affected personnel.
- E. The Chief will issue personnel orders.  
Personnel orders will be distributed to the impacted staff.
- F. The Chief will issue standard operating procedures.  
Standard operating procedures will be issued to appropriate personnel.

## SECTION 3

### RULES AND REGULATIONS

#### 3.1 Responsibility of the Chief of Police

The Chief of Police shall be responsible for assuring that all personnel of this department read, and have an opportunity to request an explanation of these rules and regulations.

#### 3.2 Responsibilities of the Department Personnel

- A. All department personnel have the responsibility of knowing and understanding these rules and regulations. It is the responsibility of the employee to obtain assistance of the Chief of Police in the interpretation of any section, which is not thoroughly understood.
- B. All personnel of this department shall comply with all official orders and directives issued by the Chief of Police.

#### 3.3 Code of Ethics

The Nashville Police Department subscribes to the following code of ethics:

- A. As a Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard life and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against the violence and disorder; and to respect the constitutional rights of all people to liberty, equality and justice.
- B. I will keep my life unsullied as an example to all; 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 in both my personal and official life. I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature, or that is confided in me in my official capacity will be kept ever secret, unless revelation is necessary in the performance of my duty.
- C. I will never act officiously or permit personal feelings, prejudices, 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 of violence and never accepting gratuities.
- D. I recognize the badge of my office as a symbol of public faith, and I accept it as public trust to be held so long as I am true to the ethics of police service. I

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will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession - Law Enforcement.

### 3.4 Community Relations

- A. The Nashville Police Department acknowledges that its primary function is to provide fair and impartial police service to all people in the Village of Nashville.
- B. The department appreciates the necessity of high level of community cooperation to insure the effective deliver of community oriented law enforcement services.
- C. The department further recognizes that to provide such police service, it is necessary that each member of the department maintain exceptional self discipline relating to matters of courtesy, taste, and integrity. Because of this, the members of the department will conform with the following principles:
  - 1. The members of this department will enforce the law equally and impartially without regard to race, sex, creed, religion, national origin, social or economic status.
  - 2. The members of this department will act, speak, and conduct themselves in such a manner as to treat all persons with the courtesy and respect due every human being. They will not display bias or prejudice against any race, religion, group, or individual.
  - 3. This department understands that the function of the police is to apprehend those suspected of having committed a crime, not to punish them. The officers will use only that amount of force necessary to overcome resistance to arrest or control.
  - 4. This department is both philosophically and legally committed to fulfilling the mandates of the nondiscrimination provisions of all state and federal rules and regulations. The department will not exclude any individual because of race, religion, gender, or national origin, from consideration for examination, employment, appointment, promotion, or retention.

### 3.5 Sexual Harassment

- A. Sexual Harassment is discrimination based on sex and prohibited by Title VII of the Civil Rights Act of 1964 and Michigan's Elliot-Larsen Civil Rights Act. Unwelcome sexual advances; requests for sexual favors; and other unsolicited verbal or physical conduct or communication of a sexual nature constitute sexual harassment when:



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1. Submission to such conduct or communication is made either explicitly or implicitly a term or condition of employment;
  2. Submission to or rejection of such conduct or communication is used as the basis for decisions affecting an individual's employment, or;
  3. Such conduct or communication has the purpose or effect of creating an intimidating work environment, which causes the recipient discomfort or humiliation, or interferes with the recipients work performances.
- B. Employees have the legal right to expect that their work place be free of acts of sexual harassment. Upholding that right, this department commits itself to maintaining a harassment-free work environment for all its members by effecting the following policy:

*It is the policy of the Nashville Police Department that any employee who shall engage in acts of sexual harassment; who permits employees under his/her supervision to engage in such harassment; or who retaliates or permits retaliation against any employee who reports such harassment is guilty of misconduct and shall be subject to remedial action which may include the imposition of discipline or dismissal.*

*Sexual harassment has a devastating effect on all concerned. It undercuts self-esteem, self-confidence, job satisfaction, and one's right to function effectively as a worker. Employees are, therefore, encouraged to report acts of sexual harassment.*

*Sexual harassment is unacceptable conduct and will not be condoned or tolerated.*

### 3.6 Operational Rules

#### 3.6.1 Honor Colors

Officers, when in uniform, whether covered or uncovered, shall render military honors to the national colors either upon their passing or at the sound of the national anthem. If in civilian clothes, the officer will uncover and hold the headdress over the left breast; without the headdress they will assume the position of attention.

#### 3.6.2 Telephone Use

Department members answering telephones shall clearly identify the department and themselves by name. All telephone business shall be conducted in a courteous manner with every reasonable efforts made to the party calling.

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Members of the department shall give immediate attention to citizens calling, in person or by telephone, for police assistance. Officers shall handle with dispatch those matters requiring the assistance of police personnel.

A call for police service outside of the city shall be accepted, and the information conveyed to the jurisdiction where the service is to be performed.

### 3.6.3 Radio Use

Officers assigned to radio-equipped vehicles shall maintain contact with dispatch in accordance with established departmental procedure.

All messages transmitted by radio shall conform to the rules and regulations of the Federal Communications Commission and established departmental procedure. Official department business only shall be transmitted on such systems and all communications shall be proper.

### 3.6.4 Departmental Property

- A. Every member of the department is individually charged with the responsibility for the proper care and use of departmental property and equipment and is inventoried accountable for that which is issued to or being used by him/her. Other than vehicles, personally used items shall be charged to the inventory of the individual using the equipment. A member may be held personally liable for any damage to, or loss of, department property or equipment resulting from his/her carelessness or negligence. Members shall report to the Chief of Police any damage to, or loss of, department property. Department members shall inspect vehicles and equipment prior to use and report any damage noted by them to the Chief.
- B. Department vehicles and other equipment shall be operated only by members of the department regularly or specifically authorized to do so. Non-Members may be authorized to operate department transportation equipment for the purpose of carrying out an official function of the department in case of necessity. Department vehicles other equipment shall be used only for authorized business.

### 3.6.5 Equipment Care

- A. After use, property and equipment shall be properly serviced, repaired, and returned to the customary place of storage so as to be ready for immediate reuse. Likewise, property and equipment, including motor vehicles, shall be checked prior to use to assure proper condition. Property and equipment requiring maintenance or repair that cannot be cared for by an officer shall be reported to the Chief of Police or caused to be maintained or repaired in accordance with directives, and so noted.

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- B. No member of the department shall cause or permit any property equipment to be added to, altered, or substituted, except in accordance with approved maintenance and repair standards or as approved by the Chief of Police.

### 3.6.6 Held Property

- A. Property being held by the department as evidence or found property shall be secured, protected, and disposed of only in accordance with official orders. Under no circumstances shall property in departmental custody be improperly converted to any use.

## 3.7 Rules of Conduct

### 3.7.1 Comply with Official Orders

Department members shall comply with all official orders and directives properly issued, unless superseded by contractual agreement.

### 3.7.2 Identification

Unless on special assignment with prior authorization on duty department patrol officers shall identify themselves by name and badge number when requested by the public.

### 3.7.3 Treatment of Public

- A. Department members shall be courteous in the performance of their duties and shall refrain from using profane or insolent language or gestures regardless of provocation. The expression of any prejudice against a segment of society is prohibited.
- B. Department members shall not use their positions to harass or intimidate any segment of the public or individual for personal reasons.

### 3.7.4 Carrying out Duties

Officers shall carry out their duties with courage and determination and shall remain firm and steadfast in the face of opposition.

### 3.7.5 Lawful Search

Officers shall abide by the laws of search and seizure in the performance of their duty.

### 3.7.6 Arrests

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- A. A prisoner shall be accorded all legal rights as required by law and criminal procedure.
- B. Officers of the department shall use their powers of arrest strictly in accordance with the law and with due regard for the rights of citizens.
- C. Officers shall exert only such force as may be reasonably necessary to overcome resistance to a lawful arrest and to maintain proper custody of their prisoners until they are placed into the custody of custodial officials.
- D. Officers shall be responsible for the treatment of prisoners in their custody or any other person they come in contact with as a result of their official duties. Visible cuts and bruises or other apparent injuries, suffered by any person as the result of the action of an officer shall be brought to attention of the Chief of Police for determination of whether further investigation is necessary. The incident shall also be reported in the department complaint. The report shall detail the injury incurred, the action which caused the injury, and the officers justification for such action.
- E. No member of the department shall furnish bail or bond nor recommend or employ counsel for any prisoner unless a relative is involved as the accused.

### 3.7.7 Association with Felons

Department members are prohibited from association with individuals known by them to have been convicted of felonies, or known by the member to be presently under investigation for felonious crimes, except in the line of duty. Association is defined as a continuing personal relationship, which could expose the member to temptations to yield in his/her obligation to impartially enforce the law and bring disrepute or discredit to the department. Associations with individuals in the prohibited category who are close relatives are exempt for this rule.

### 3.7.8 Furnishing Information

- A. Copies of criminal investigations conducted by this department and reported on department incident forms may be furnished by department members only to Prosecuting Attorneys, the Juvenile section of the Probate Court, Parole Officers, Pre-sentence Investigators, and/or the Crime Victims Compensation board. This section does not prohibit the releasing of reports as ordered by a court, the Stolen and Recovered Property, the Traffic Accident Report (UD-10), or data as authorized under the department's Freedom of Information Policy. When proper, reports may be released to members of this or other departments, supplying reports, or information about reports, to defendants in action involving this department, unless authorized by the Chief of Police, will be grounds for severe disciplinary action.

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- B. These rules are not to be construed so as to prevent the legitimate exchange of investigative information between police agencies when the information furnished pertains to investigations having related circumstances.
- C. Department members shall not release confidential information, obtained through the course of their employment, which impairs the efficiency of the department.
- D. Information from personnel files may be released only upon approval of the Chief of Police in according with all laws.

### 3.7.9 Public Statements

Department members shall not make public statements through verbal, written, or any other form of expression, criticizing or ridiculing the department, its policies or other members, when such statements would bring the department into disrepute. Statements which are defamatory, obscene, unlawful, or which may impair the operation or efficiency of the department, interfere with the maintenance of discipline or which show a reckless disregard for truth are likewise prohibited.

### 3.7.10 Receiving Gifts or Benefits

No department member or group of members of the department shall solicit or accept, either directly or indirectly, and gift, reward, gratuity, load, material thing or benefit from any person or business, which, through a conflict of interest, might be in a position to benefit by such action. Department members are prohibited from using their official positions, badges, or official identification for personal or financial gain or for obtaining privileges not otherwise available to them.

### 3.7.11 Personal Conduct

- A. Officers shall conduct themselves at all times, both on and off duty, in such a manner so as to reflect most favorably on the department. Conduct unbecoming to an officer, shall include that which brings the department into disrepute or reflects discredit upon the employee as a member of the department or that which impairs the operation and efficiency of the department or officers.
- B. Department members shall maintain a level of conduct in their personal and business affairs, which is in keeping with the highest standard of the law enforcement profession. Members shall not be participants in any incidents involving moral turpitude, which impairs their ability to perform as law enforcement officers or causes the department to be brought into disrepute or which impairs the efficiency of the department.

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- C. Department members shall not knowingly violate any laws of the United States, State of Michigan, ordinance of a unit of local government, or an order of any court. If such a charge is shown to be factual, the fact that no criminal prosecution was instituted against the department shall not bar departmental discipline. Likewise, the fact that criminal prosecution did take place, regardless of outcome, shall have no bearing on departmental discipline procedures, which shall be conducted on an independent basis.
- D. While on duty department members shall not become publicly embroiled in any religious, racial, partisan political or other controversial dispute in which their stand on an issue could be interpreted as the Nashville Police Department's official position. The only exception to this shall be upon approval of the Chief of Police.
- E. Department members shall manage their financial affairs in a manner that will not bring discredit to themselves or to the department. An isolated instance of financial irresponsibility will not be grounds for discipline, except in the unusually severe cases. Financial difficulties stemming from unforeseen medical expenses or personal disaster shall not be cause for discipline, provided that a good faith effort to settle all accounts is being undertaken. Voluntary filing for bankruptcy shall not be cause for discipline. However, repeated instances of financial difficulty may be cause for disciplinary action.
- F. Officers shall be dignified in appearance and conduct at all times. In times of stress or disaster, despite trying conditions, officers shall maintain their composure and perform their duties in a manner which will inspire confidence and respect.

### 3.7.12 Use of Tobacco and Alcohol

- A. The on duty use of tobacco products prohibited.
- B. The on duty use of alcohol or controlled substances, except when prescribed by a physician, is prohibited.

### 3.7.13 Physical Condition

All members of the department shall keep themselves in such physical condition as will enable them to readily perform any duties customarily assigned.

### 3.7.14 Absences

- A. No officer shall be absent from duty or assignment without authorization. Where there is forfeiture of pay for such absence it shall not constitute a bar to disciplinary action.

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- B. Members who for reasons of bona fide illness, or injury resulting from duty or non-duty cause, have notified the Chief of Police or caused him/her to be notified, that such illness or injury precludes them from working, shall be deemed properly absent from duty.
- C. No department member shall malingering, feign illness or shirk his/her duties and responsibilities.

### 3.7.15 Obeying Orders

Every department member shall promptly obey every lawful order given to him/her by superior authority. All orders shall be given in a clear and civil manner. If the order is not understood or in conflict with other orders, it is the member's responsibility to point out the conflict and to obtain clarification. When orders given are in conflict with previously issued lawful orders, the new order shall be obeyed. The responsibility shall be upon the superior officer and the member obeying the conflicting order shall not be held responsible for disobedience of any other previously issued.

### 3.7.16 Insubordination

Insubordination or disrespect toward superior authority is prohibited. Insubordination is defined as a failure to recognize the authority of any superior officer by manifest disrespect or by disputing the superior officer's lawful order.

### 3.7.17 Political Activity

- A. A member of the department may become a candidate for nomination and election to partisan or non-partisan political offices except the office of the council member for the Village of Nashville.
- B. Department members shall not engage in any political activities while on duty. Any off duty political activity shall not interfere with satisfactory job performance.
- C. Photographs of members in uniform and/or department vehicles shall not be used in campaign literature by members of the department running for political office. This is not intended to discourage employees from seeking political office; however, literature containing such photographs could be misinterpreted as an endorsement of the individual by the department.

### 3.7.18 Reporting Rule Violations

Department members shall report to the Chief of Police violations of the rules and regulations by other members which they observe or which have been reported to them or of which they have knowledge.

**SECTION 4** (same as Employee Policy # 790)

**DISCIPLINARY POLICY**

The Disciplinary Policy rules, regulations and procedures for the Village of Nashville have been established as guidelines for personal conduct and operation so that each employee will be aware of his/her responsibility, authority and demeanor.

No set of rules and regulations or policies and procedures can be established which will embrace all situations a member may encounter. Therefore, it is incumbent upon each member to use the discretion left to him/her and make sound judgments that best reflect upon the Village of Nashville.

A. Rules and Regulations

These are directives established to maintain the highest degree of professionalism by personnel of the Village of Nashville. It is important that each member perform within the rules and regulations so that disrepute will not be brought upon the Village of Nashville.

B. Policy

Policy is a general statement to guide in decision making. All possible situations will not be embraced through policy. Therefore, some things must necessarily be left to the discretion and sound judgment of the individual.

C. Procedures

Procedures are established methods of operation. Through procedures a defined means of doing a particular function is described. By using the procedures, uniformity in the operation of the Village of Nashville will develop.

4.1 Rules and Regulations

A. Unbecoming Conduct

Employees shall conduct themselves at all times, both on and off the job, in such a manner as to reflect most favorably on the Village of Nashville. Conduct unbecoming employees shall include that which brings the Village of Nashville into disrepute or reflects discredit upon members or that which impairs the operation of efficiency of the Village of Nashville or its employees. Some examples are;

1. Illegal gambling



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2. Disorderly conduct
3. Domestic violence
4. Sexual misconduct
5. Interfering with an investigation or judicial process
6. Revealing information to unauthorized persons (including committee members or council trustees).
7. Misuse of alcohol or drugs
8. Misuse of force
9. Late reporting for duty
10. Mistreatment of persons in custody
11. Neglect of duty
12. Sleeping on duty
13. Fictitious illness or injury report
14. Leaving duty post
15. Misprocessing property and evidence
16. Taking gifts, gratuities, bribes or rewards
17. Lack of courtesy
18. Unlawful associations
19. Unapproved public statements and appearances
20. Unprofessional personal appearance
21. Unlawful dissemination of information
22. Unlawful intervention
23. Incorrect/incomplete departmental reports
24. Misuse of departmental vehicles or equipment

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### 25. Cowardice

These examples are not all-inclusive but are provided to give employees guidance in determining the types of behavior which may constitute conduct unbecoming an employee.

#### B. Insubordination

Employees shall promptly obey and carry out all lawful orders of their Department Head. This will include orders relayed from a Department Head through employees of the same or lesser rank.

#### C. Conformance to Laws

Employees shall obey all criminal and civil laws of the United States and of any state or local jurisdiction in which the employee is present. A conviction for the violation of any law shall be prima facie evidence of a violation of this section. Nothing shall preclude the Department Head from taking appropriate disciplinary action for conviction, plead guilty or nolo contendere to a misdemeanor.

#### D. Truthfulness

Upon the order of the Department Head, the Department's designee, employees shall truthfully answer all questions specifically directed and narrowly related to their scope of employment in the operation of the Village of Nashville that may be asked of them.

## 4.2 Nondisciplinary Action

### Counseling memo

This is the least severe of all actions and is not considered a disciplinary action. It is a means by which a Department Head calls to the attention of an employee certain deficiencies in the employee's job performance or one or more violations of rules by the employee. As is true in the case of disciplinary actions, counseling the employee is one of the most important concerns here. A record of an oral warning is to be made in writing by the Department Head and included in the employee's personnel file. All counseling memos will be sealed when placed into the employee's file and marked to be removed with the date one (1) year from the date of the memo.

#### 4.3 Disciplinary Actions

The purpose of disciplinary action is not to punish employees but to impress upon each employee the seriousness of his/her actions and to correct the employee's behavior. Three levels or types of actual disciplinary actions are recognized.

##### A. Written Warning

A written warning is the first of the disciplinary actions. This consists simply of a formal memorandum or letter in which the Department Head informs the employee that the employee has violated a rule or that the employee's job performance is not satisfactory. These memorandums must warn the employee that his/her performance or behavior must be corrected if more severe penalties are to be avoided and should give direct and concrete instructions for the future. A record of the written warning is to be made by the Department Head and be included in the employee's personnel file.

##### B. Suspensions

This is an action by which the employee is temporarily suspended from employment with the department and from being paid by the department for a definite period of time. Suspensions carry with them the following:

1. Loss of pay for the time specified
2. Loss of sick leave accrual during the time specified (full-time only)
3. Loss of vacation accrual during the time specified (full-time only)
4. Non-accrual of service credit which will affect the calculation of step increases in salary, and retirement time worked credit (full-time only)

Employees may not use vacation, comp, or sick time while suspended. Before they are suspended, employees shall be given a written memorandum specifying the reason for the suspension and the exact date and time when the employee is to report to either the Department Head or back to work. A copy of this memorandum shall be included in the employee's personnel file.

##### C. Discharge

This action permanently removes an employee from employment. The Department Head will inform Village Council of the employees' work rule violations and/or unsatisfactory job performance. Village Council may act upon or refer to the appropriate committee for recommendation.

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### 4.4 Factors to Consider when deciding upon a disciplinary action

As stated above, there are some work rule violations that are so serious that they warrant the immediate discharge of an employee. Most offences, however, do not require the immediate discharge of any employee. While there is no formula that the Department Head can use in deciding which disciplinary action to take, it is true that unless immediate discharge is warranted, the Department Head will consider the following:

- A. The seriousness of the offense
- B. The employee's disciplinary and work records
- C. The employee's length of service
- D. Past practice in similar or identical cases
- E. Circumstances surrounding the incident that are either mitigating (arguing for lesser penalties) or aggravating (those arguing for more serious disciplinary actions)

### 4.5 Grievance Procedure

If the employee receiving disciplinary action disagrees with the action taken he/she may file a grievance in writing, signed and dated, within 48 hours to the Department Head. The Department Head will set up a meeting with the employee within 5 days to discuss the matter. The Department Head will listen to reasonable discussion about the issue(s) and take the employees statement under consideration. He will then make a final decision to dismiss, reduce or continue the original disciplinary action as he sees fit.

The Department Head has the final say on all disciplinary actions taken for all employees in his/her department.

If the employee feels that the disciplinary policy was not followed correctly by the Department Head he/she may appeal to the Village Council for a review of the procedures followed by the Department Head. If the Village Council finds any procedure that was not followed or done incorrectly by the Department Head the council may overturn the disciplinary action. But if the Department head is found to have followed all the correct procedures as outlined in the disciplinary policy the council will uphold the Department Heads decision.

## **SECTION 5**

### **OFFICER UNIFORMS**

#### **5.1 Wearing of the Uniform**

When on duty, uniformed members of the department shall wear their uniforms in accordance with the provisions of this section.

Unless otherwise directed, members shall wear the uniform of the day. The uniform of the day shall be appropriate seasonal uniform as directed to be worn by the Chief of Police.

The Chief of Police shall ensure that uniformed members under his command are uniformly attired when patrolling together or when assigned to the same detail.

It is the policy of this department that uniformed members be neat, clean, well groomed, and present a professional appearance. Uniformed member's uniforms shall be maintained in serviceable conditions at all times, with all leather accessories appropriately polished.

Female uniformed members of the department may wear non-dangling post earrings.

Whenever a department member appears before a court or administrative hearing body as a representative of the department, he/she shall be attired in the uniform of the day, or neatly dressed in an appropriate shirt, tie, and sport coat or suit, or as may be required by the court.

Uniformed members of the department shall not wear their uniforms off duty except as provided below.

- A. During regularly scheduled breaks in the workday.
- B. When authorized by the Chief of Police.

#### **5.2 Uniforms by Season**

The summer uniform consists of a short sleeve shirt and trousers. A fully marked car duty jacket may be worn with the summer uniform.

The winter uniform consists of long sleeve shirts and trousers, with or without a fully marked jacket.

Footwear shall be black in color.

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The Chief of Police shall determine department insignia and its placement on the uniform.

The Chief of Police is responsible for the appearance of the uniformed personnel under his command, and may make an inspection of each uniformed department member reporting for duty. Unsatisfactory appearance shall be corrected.

If equipment is found altered without authorization from the Chief of Police the employee responsible shall submit a special report to the Chief of Police.

It is the officer's responsibility to inspect issued equipment periodically. Any equipment found to be unserviceable shall be presented without delay to the Chief of Police for repair or replacement.

### 5.3 Wearing Bullet-Resistant Vests

Patrol Officers should not unnecessarily expose themselves to gunfire while wearing body armor of any type. No protective device, including vests, is fail-safe.

All uniformed personnel who are issued a bullet-resistant vest shall wear this vest while on patrol.

When damaged by a projectile or other means, bullet resistant vests must be replaced.

## **SECTION 6**

### **BODY ARMOR**

#### **6.1 Purpose**

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use and care of body armor.

These orders are for Department use only, and do not apply to any criminal or civil proceedings. The Department policy should not be construed as a creation of a higher legal standard of safety or care in evidentiary sense with respect to third party claims. Violations of these orders will only form the basis of Department administrative sanctions. Violations of law will form the basis for criminal and civil sanctions in a recognized judicial setting.

#### **6.2 Policy**

It is the policy of Nashville Police Department to maximize officer safety through the use of body armor in conjunction with the practice of prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for sound, basic safety procedures.

#### **6.3 Issuance of Body Armor**

- A. All law enforcement officers shall be issued body armor. If an officer elects to use personally owned body armor, that officer may decline to be issued body armor.
- B. Issued body armor that is worn or damaged shall be replaced by the agency. Body armor that must be replaced due to misuse or abuse by the officer shall be paid for by the officer.

#### **6.4 Use of Body Armor**

- A. The Nashville Police Department encourages the use of body armor during all field training that involves the use or carrying of firearms. The Nashville Police Department recognizes that during high heat and humidity conditions that it may not be practical to wear body armor during training exercises.
- B. Law enforcement officers that are assigned to a uniformed function are required to wear the issued body armor while engaged in field activities while on duty unless exempted as follows:
  - 1. When an agency-approved physician determines that an officer has a medical condition that would preclude use of body armor;

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2. When the officer is involved in an undercover or plainclothes work that his supervisor determines would be compromised by use of body armor.
  3. When the officer is assigned to perform an administrative function; or
  4. When the Nashville Police Department determines that circumstances make it inappropriate to mandate body armor.
- C. Officers assigned to a non-uniform function are required to wear the issued body armor when engaging in field activities that involve the high risk warrant arrest, the execution of high risk search warrants, or other activities that expose the officer to potentially dangerous confrontations.

### 6.5 Inspections of Body Armor

- A. Supervisors shall be responsible for ensuring that body armor is worn as required by this policy.
- B. There shall be annual inspection of all body armor for fit, cleanliness, signs of damage, abuse and wear by a Range Master.

### 6.6 Care and Maintenance of Body Armor

- A. Each law enforcement officer is responsible for the proper storage of body armor in accordance with manufacturer's instructions and daily inspection for signs of damage and general cleanliness.
- B. As dirt and perspiration may erode ballistic panels, each officer shall be responsible for cleaning his or her body armor in accordance with the manufacturer's instructions.
- C. Officers are responsible for reporting any damage or wear to the ballistic panels or cover to the individual responsible for the uniform supply function.

### 6.7 Training

The training officer shall be responsible for maintaining the following information:

- A. Technological advances in the body armor industry that may necessitate a change in body armor.
- B. Training programs that inform the officers about body armor, and emphasize its safe and proper use.



## **SECTION 7**

### **NASHVILLE POLICE DEPARTMENT HARASSMENT IN THE WORK PLACE**

#### **7.1 Purpose**

The purpose of this policy is to maintain a healthy work environment and to provide procedures for reporting, investigation and resolution of complaints of harassment, sexual or otherwise.

#### **7.2 Policy**

It is the policy of the Nashville Police Department that all employees have the right to work in an environment free of all forms of harassment. The agency does not condone, and will not tolerate, any harassment. Therefore, the agency shall take direct and immediate action to prevent such behavior and to remedy all reported instances of harassment, sexual or otherwise.

#### **7.3 Harassment Defined**

- A. Harassment on the basis of race, color, religion, gender, national origin, age or disability constitutes discrimination in the terms, conditions, and privileges of employment, and as such violates the title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq. (title VII); the Age Discrimination in Employment Act, as amended, 29 U.S.C. 621 et seq. (ADEA); the Americans with Disabilities Act, 42 U.S.C. 12101 et seq. (ADA); or the Rehabilitation Act of 1973, as amended, 29 U.S.C. 701 et seq., as applicable.
- B. Harassment is verbal, visual or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, national origin, age or disability, or that of his/her relatives, friends, or associates, and 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 and individual's employment opportunities.
- C. Harassing conduct includes, but is not limited to, the following:

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1. Epithets, slurs, negative stereotyping or threatening, intimidating or hostile acts that relate to race, color, religion, gender, national origin, age or disability; and
  2. Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, religion, gender, national origin, age or disability and that is placed on walls, bulletin boards, or elsewhere on the employer's premises or circulated in the work place.
  3. Harassment may also include conduct by one employee toward another, on an ongoing basis, that creates a hostile work environment.
- D. The standard for determining whether verbal, graphic or physical conduct relating to race, color, religion, gender, national origin, age or disability is sufficiently severe and pervasive to create a hostile or abusive work environment is whether a reasonable person in the same or similar circumstances would find the conduct intimidating, hostile or abusive. The "reasonable person" standard includes consideration of the perspective of persons of the alleged victim's race, color, religion, gender, national origin, age or disability. It is not necessary to make an additional showing of psychological harm.

### 7.4 Prohibited Activity

- A. No employee shall either explicitly or implicitly ridicule, mock, deride or belittle any person.
- B. Employees shall not make offensive or derogatory comments based on race, color, sex, religion or national origin either directly or indirectly to another person.
- C. Gender-based hostility is a form of sexual harassment. Harassment that is not of a sexual nature, but would not have occurred but for the sex of the victim is an offense under this policy. Harassing behavior lacking sexually explicit content but motivated by hostility against men/women is sex discrimination under this policy.
- D. The criteria for determining whether an action constitutes unlawful behavior are that the conduct;
  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

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3. Otherwise adversely affects an individual's employment opportunities.
- E. Actionable harassment includes harassment or retaliation of one's relatives, friends or associates.
- F. The standard to determine whether the alleged harassing conduct is sufficiently severe or pervasive to alter the conditions of employment and create an intimidating, hostile or abusive work environment is whether a reasonable person in the same or similar circumstances would find the challenged conduct intimidating, hostile or abusive.
- G. In determining whether that standard has been met, consideration is to be given to the perspective of individuals of claimant's gender.
- H. In order to prove a violation, the plaintiff need only prove that a reasonable person would find the conduct sufficiently offensive to create a hostile work environment, but his/her psychological well being need not be affected. (Complainant need not demonstrate adverse psychological effects).
- I. The determination of whether the complaint of conduct violates this anti-discrimination policy turns on its severity and pervasiveness.
- J. A supervisor may be disciplined where he/she knew or should have known of the conduct and failed to take immediate and appropriate corrective action.
- K. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when;
  1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment; or
  2. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
  3. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

### 7.5 Employer's Responsibilities

- A. Each supervisor shall be responsible for preventing acts of harassment. This responsibility includes;
  1. Monitoring the unit work environment on a daily basis for signs that harassment may be occurring;

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2. Counseling all employees on the types of behavior prohibited, and the agency procedures for reporting and resolving complaints of harassment;
  3. Stopping any observed acts that may be considered harassment, and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision; and
  4. Taking immediate action to limit the work contact between two employees where there has been a complaint of harassment, pending investigation.
- B. Each supervisor has the responsibility to assist an employee of this agency who comes to that supervisor with a complaint of harassment, in documenting and filing a complaint with the Chief.
- C. Each employee of this agency is responsible for assisting in the prevention of harassment through the following acts:
1. Refraining from participation in, or encouragement of, actions that could be perceived as harassment.
  2. Reporting acts of harassment to a supervisor, and
  3. Encouraging any employee who confides that he/she is being harassed to report these acts to a supervisor.
- D. Failure to take action to stop known harassment shall be grounds for discipline.

### 7.6 Complaint Procedures

- A. Employees encountering harassment shall tell the person that their actions are unwelcome and offensive. The employee shall document all incidents of harassment in order to provide the fullest basis for investigation.
- B. Any employee who believes that he/she is being harassed shall report the incident(s) to his/her supervisor as soon as possible so that steps may be taken to protect the employee from further harassment, and appropriate investigative and disciplinary measures may be initiated. Where this is not practical, the employee may instead file a complaint with another supervisor, or with the Lieutenant.
1. The supervisor or other person to whom a complaint is given shall meet with the employee and document the incidents complained of, the person(s) performing or participating in the harassment, and the dates on which it occurred,

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2. The agency employee taking the complaint shall expeditiously deliver the complaint to the appropriate investigative authority.
- C. The internal investigation authority shall be responsible for the investigation of any complaint alleging harassment. As assigned by the Chief of Police.

## SECTION 8

### NASHVILLE POLICE DEPARTMENT HIRING POLICY

#### 8.1 Purpose

The purpose of this order is to establish pre-employment qualifications and define the selection process for the hiring of new employees.

These orders are for Nashville Police Department use only, and do not apply to any criminal or civil proceedings. This policy should not be construed as a creation of a higher legal standard of safety or care in evidentiary sense with respect to third party claims. Violations of these orders will only form the basis of administrative sanctions.

Violations of law will form the basis for criminal and civil sanctions in a recognized judicial setting.

#### 8.2 Policy

It is the policy of the Nashville Police Department to select for employment the most qualified applicant for the position available. This selection process will be based upon the applicant's education, past behavior, experience, and ability to perform the duties involved in the position applied for.

#### 8.3 Selection of Personnel

- A. Each applicant for a position shall complete a standard application form supplied by the Nashville Police Department. A current file of all applications will be maintained.

Advertisement of openings and the application period will be coordinated with the Village Office.

- B. No application will be accepted from any person who does not meet the following minimum qualifications:

1. The applicant must be a resident of the State of Michigan for one year.
2. Applicants must be at least 21 years of age.

- C. Those seeking a law enforcement appointment must have successfully completed the M.C.O.L.E.S. written and physical agility tests except those exempt from this testing as determined by M.C.O.L.E.S.

- D. The applicant must possess a valid operator's license for the State of Michigan at the time of their application.

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- E. The preliminary screening process will be as follows:
1. **Criminal History:** Applicants with felony convictions will be automatically disqualified. Applicants with misdemeanor convictions will be reviewed on a case-by-case basis.
  2. **Driving History:** The driving history of the applicant will be reviewed. Applicants will normally be disqualified for any of the following reasons:
    - a. Suspension, revocation or denial of driving privileges within the last four years.
    - b. Suspension for failure to comply with judgment within the last two years.
    - c. Six or more points on the driving record at the time of application.
    - d. Any three convictions for moving violations within the last two years
    - e. Any O.U.I.L., O.W.I., U.B.A.L., O.U.I.D., O.W.V.I. or Operating while ability impaired conviction within the last seven years.
    - f. Any two chargeable accidents within the last two years.
- F. **Application Review Process:**
1. Active applications of those candidates who meet the minimum qualifications and pass the preliminary screening process will be subject to review for employment. The purpose of this review is to remove any candidates who fail to meet minimum standards for employment.
  2. The Review Board will consist of the following for applications related to a certified patrol position:
    - a. Chief of Police
    - b. Police Committee Chair
    - c. Village President
    - d. And / or any additional designee by the Chief of Police.
  3. The Review Board will select candidates for further consideration based on the following criteria:
    - a. Prior police/correctional experience.
    - a. Academic history.
    - b. Military experience.

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- c. Police academy performance.
- d. Other information available to the board that bears directly upon the candidate's likelihood of success in completing the selection process.

### B. Oral Board Examination:

1. An oral board interview will be offered to each candidate who passes the preliminary screening process and are selected by the Board of Review.
2. A standard interview form will be used for all candidates.
3. The oral board will consist of the following members of the department:
  - a. Chief of Police
  - b. Police Committee Chair
  - c. Village President
  - d. And / or any additional designee by the Chief of Police.
4. Each applicant will be asked a core set of questions as determined by the oral board.

### C. Conditional Offer of Employment

1. After a conditional offer of employment has been made to a candidate, the following evaluate process will occur:

A complete background investigation will be completed to include, but not be limited to:

  - a. Verification of educational credentials.
  - b. Verification and interviews of previous employers.
  - c. Verification of at least three personal references.
  - d. Interview with others not listed as references who may have knowledge of the candidate
  - e. Other verifications as may be deemed necessary and appropriate by investigation of the applicant's background.
2. Background investigators will be selected by the Chief.
3. Upon completion of the background information, a detailed report will be submitted to the Chief for inclusion in the candidate's file.



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4. Any instance of candidate providing false information about their background on any documentation submitted, and/or during any interview will result in the immediate termination of their application with this agency.

### D. Eligibility List:

1. Candidates who successfully pass all phases of the selection process shall be placed on an eligibility list.
2. Candidates that are eligible will be notified in writing within seven days of the creation of the eligibility list.
3. Persons who fail any phase of the selection process or who are not placed on the eligibility list may re-apply and re-test at a later time.
4. All records related to the creation of the eligibility list will be maintained for a period of six months from the date of the creation of the list. After six months the files of those not selected will be destroyed.

### E. Final Selection:

1. Those candidates who have been placed on the list will be selected to fill any vacancies by an administrative review of their records.
2. The Chief will determine the order in which eligible candidates are offered positions.
3. Final authorization for hiring full-time officers is done by the Village Council. The Police Chief will recommend full-time applicants to the council for approval. All full-time new hires must be approved by the council prior to starting work. (The Chief has full authority to hire all part-time officers)

## **SECTION 9**

### **NASHVILLE POLICE DEPARTMENT POLICY ON OUTSIDE EMPLOYMENT**

#### **9.1 Purpose**

To ensure that a conflict of interest will not occur by members of the Nashville Police Department when, and if, they seek outside employment while they are members of the Nashville Police Department.

These orders are for Nashville Police Department use only, and do not apply to any criminal or civil proceedings. This policy should not be construed as a creation of a higher legal standard of safety or care in evidentiary sense with respect to third party claims. Violations of these orders will only form the basis of administrative sanctions. Violations of law will form the basis for criminal and civil sanctions in a recognized judicial setting.

#### **9.2 Policy**

It will be the policy of the Nashville Police Department to preclude all members of the Nashville Police Department from performing tasks or duties for an outside employer to use powers vested in them by the Chief or the implied use of those powers in any way as an outside job requirement or prerequisite without the express written consent of the Chief.

#### **9.2 Procedure**

- A. Requests: If an employee finds that he/she would like to work outside the Department, the member will:
  - 1. Submit a written request to the Chief.
  - 2. The request must state the type of employment tasks and duties, hours and days the employee is expected to work, and the name of the employer.
- B. Review: The Chief will review the request and give a reply to the employee.
- C. Record: The Chief will then place both the request and the response in the employee's personnel file.

## SECTION 10

### NASHVILLE POLICE DEPARTMENT JOB DESCRIPTION

#### 10.1 Job Descriptions

Title: Police Chief

General Summary- Under the general direction of the Nashville Village President and Nashville Police Committee directing staff in the protection of lives and property and the orderly enforcement of laws and ordinances within the community. Establishes objectives and plans and coordinates activities for the efficient operation of the department. The Police Chief is the head law enforcement official for the Village of Nashville.

*Typical Duties:*

- A. Supervise and oversee, directly and through subordinates, all department functions and activities such as patrol units, traffic enforcement, and crime investigations.
- B. Plans, develops and oversees the implementation of department policies and procedures in accordance with applicable laws, ordinances, service capacities and fiscal limitations.
- C. Performs personnel management functions such as recruiting, hiring, assigning work, and arranging training, reviewing performance, counseling and disciplining department employees. Approves employee time sheets weekly.
- D. Develops and defends the preliminary budget for the department, evaluating current programs and staffing. Monitors budget expenditures throughout the fiscal year for conformance.
- E. Conducts periodic staff meetings to continually monitor internal operations, collects and reviews reports, determines quality and quantity of work performed, discusses and resolves any possible problems, disseminates pertinent information to department personnel.
- F. Answers public inquiries regarding laws, ordinances, or police procedures. Receives and investigates complaints of improper services.
- G. Directs and participates in the prevention and apprehension of traffic violations.

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- H. Analyzes trends and frequencies in crime incidence and plans corrective actions such as extended patrol coverage.
- I. Directs the orderly preparation of regular and special reports presented to the Village Council. Examines financial records monthly for conformity to village/department standards.
- J. Maintains inventory of materials and supplies, reviews purchase orders and purchase items when stock is low.
- K. Periodically confers with other criminal justice/law enforcement agencies and other police departments to coordinate matters of mutual concern, eliminating duplication of efforts and exchanging information.
- L. Examines pending legislation, new statutes, and procedural or equipment concepts. Drafts desired change recommendations in various departmental policies when necessary.
- M. Represents the city to interested individuals or before groups explaining police procedures, hearing complaints, and soliciting community understanding of police efforts.
- N. Personally investigates or assumes command of forces or direct may through subordinates major crime scenes and incidents when circumstances warrant.
- O. Performs various public relations activities for the department, preparing statements for the press, and controlling the release of information.
- P. Performs numerous administrative activities such as responding to surveys and questionnaires, serving on various criminal justice boards, reviewing case law, statement revisions and other law enforcement information.
- Q. Responds to a variety of citizen's civil and criminal complaints as needed, including domestic quarrels, robberies, break-ins, assaults, and acts of vandalism. Assists complainants and initiates investigations, collecting evidence, interviewing involved parties and witnesses, along with protecting the crime scene.
- R. Provides crowd and traffic control and suppresses civil disturbances at a public gathering, fire or other emergencies.

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Title: Police Officer

General Summary - Performs responsible Law Enforcement duties; maintain orders in the Village of Nashville, regulate traffic, protect life and property, prevent crime and quell disorder. Investigates crimes, conducts follow-up investigations, procure and preserve evidence and prepare detailed reports on case assignments. Attend seminars and training sessions as necessary. Performs related work as required.

### *Typical Duties:*

An employee in this position may be called upon to do any or all of the following essential duties; these examples are not all inclusive.

- A. Affect an arrest, forcibly if necessary, using handcuffs and other restraints.
- B. Climb over obstacles; climb through openings; jump down from elevated surfaces; jump over obstacles, ditches, and streams; and crawl in confined areas to pursue, search, investigate and/or rescue.
- C. Communicate effectively over radio channels while initiating and responding to radio communications, often under adverse conditions such as siren usage, and high-speed vehicle operations.
- D. Communicate verbally and effectively by listening to people and by giving information, directions, and commands.
- E. Conduct searches of building and large outdoor areas which may involve walking and/or standing for long periods of time, and which requires the ability to distinguish color and perceive shapes.
- F. Conduct visual and audio surveillance for extended periods of time.
- G. Enter and exit vehicles quickly to perform rescue operations, pursue a suspect, or answer an emergency call.
- H. Exercise independent judgment within legal guidelines, to determine when there is reasonable cause or suspicion to detain, when probable cause exists to search and arrest, and when force may be necessary and to what degree should be used.
- I. Gather information in criminal investigations by interviewing and obtaining the statements of victims, witnesses, suspects, and confidential informants.
- J. Load, unload, aim and fire handguns, shotguns, and other agency firearms from a variety of body positions in situations that justify the use of deadly force while maintaining emotional control under stress.

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- K. Manage interpersonal conflicts to maintain order.
- L. Operate an emergency vehicle during both day and night; in emergency and pursuit situations, while exercising due care and caution, and with regard to traffic control devices and in congested traffic and in unsafe road conditions and environmental conditions such as fog, smoke, rain, ice, and snow.
- M. Perform law enforcement functions while working rotating shifts and unanticipated overtime.
- N. Perform tasks which require lifting, carrying, or dragging people, heavy objects while performing arrest, rescue and/or general service functions.
- O. Perform searches of persons which involve touching and feeling to detect potential weapons and contraband.
- P. Prepare investigative and other reports, including sketches, using appropriate grammar, symbols, and mathematical calculations.
- Q. Pursue fleeing suspects on foot, both day and night, and sometimes in unfamiliar terrain.
- R. Read and comprehend rules, regulations, policies, procedures, special orders, memorandums, and the law for purposes of ensuring appropriate officer behavior and/or response.
- S. Subdue resisting subjects using hands and feet while employing defensive tactic maneuvers or approved non-lethal weapons.
- T. Use body force to gain entrance through barriers to search, seize, investigate, and/or rescue.
- U. Direct traffic and perform escort work.
- V. Assist disabled motorists and others.
- W. Administer first aid.
- X. Assist in servicing departmental equipment and vehicles.
- Y. Search, identify, and preserve evidence at the scene of a crime.
- Z. Follow-up on crimes including interviews, identifying suspects, collection of evidence, and arrests when appropriate.

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- AA. Obtain warrants as required by case assignment and exercise powers of arrests.
- BB. Compile reports and maintain records of the actions taken in all cases.
- CC. Serve civil and criminal processes; including warrants and subpoenas, and provide testimony in court.
- DD. Investigate deaths from known/unknown causes.
- EE. Receive and investigate complaints.
- FF. Cooperate with the all federal, state, and other law enforcement agencies in criminal detection and investigation.
- GG. Transport persons in police custody.
- HH. Guard public officials, prisoners, or others as required.
- II. Perform related work as required.
- JJ. Conduct follow-up and other investigative procedures for those cases that require additional and more in-depth investigation and case management.
- KK. Assist other police officers with investigation.
- LL. Assume control of crime scenes and investigations unless otherwise directed by higher authority.
- MM. Participate in “on-call” status to assure investigative coverage for the department.
- NN. Perform related work as required.

The above statements are intended to describe the general nature and level of work being performed by people assigned this classification. They are not to be construed as an exhaustive list of all duties performed by personnel so classified.

## **SECTION 11**

### **NASHVILLE POLICE DEPARTMENT FIELD TRAINING AND EVALUATION PROGRAM**

#### 11.1 Purpose

The Nashville Police Department in keeping with the strictest levels of performance requirements, must always strive to maintain the highest standards of professionalism. To this end, the attainment of highly trained police officers shall remain a fundamental goal of the Department.

The Nashville Police Department's Field Training and Evaluation Program is an extension of the law enforcement selection process that combines pre-field training with objective evaluations to ensure that the standards of a competent law enforcement officer are met.

To establish an improved in-service retraining program by providing a system for retraining and orientation to sworn officers returning to patrol from extended absences or assignments.

The administration of the Nashville Police Department is committed to the tenets of this program, and gives full support of the Field Training and Evaluation Program concepts, which are necessary for the successful achievement of the Department's goals.

#### 11.2 Definition

A systematic organized and consistently administered period of formal field training and performance evaluation with the goal of producing a patrol officer capable of providing solo patrol services in a safe, courteous, efficient and effective manner.

#### 11.3 Administrative Control

The planning and development of the Field Training and Evaluation Program is the responsibility of the Field Training Unit. The implementation and supervision of the operation of the program shall be the responsibility of the Patrol Division, and the program shall adhere to the provisions of all departmental rules and regulations, as well as M.C.O.L.E.S., as set forth.

#### 11.4 Field Training Supervisors and Officers

Upon being selected in the Field Training Officer program the supervisor and/or officer shall attend an M.C.O.L.E.S. certified Field Training Officer School and shall, upon return, undergo continued in-service training.



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- A. The Field Training Officer is responsible for trainee discipline and other duties as outlined in the Field Training and Evaluation Program Manual.
- B. Field Training Officer is responsible for the training and evaluation of trainees as outlined in the Field Training and Evaluation Program Manual.

### 11.5 Field Training and Evaluation Program Manual

- A. A complete description of the training program, personnel responsibilities and evaluation criteria.
- B. A list of performance tasks and standards to aid the Field Training Officer in the evaluation of the trainee.
- C. All rules and regulations as outlined in the Manual shall be followed and considered as part of this General Order.

### 11.6 Field Training and Evaluation Records

- A. All records will be kept by the Police Chief. These files shall be maintained in strict confidence.
- B. Field Training and Evaluation Program files shall be open only to the following personnel:
  - Chief
  - Field Training Officer
- C. Upon completion of the Field Training and Evaluation Program these files shall become part of the employee's permanent Department personnel file.

## SECTION 12

### L.E.I.N/M.D.T/M.C.T. POLICY

12.1 Subject: Law Enforcement Information Network (L.E.I.N.)

12.2 Policy

It is the policy of this department to maintain a LEIN terminal and to permit access to LEIN through the use of certified operators.

12.3 Purpose

The purpose of LEIN is to allow criminal justice agencies access to accurate and timely document criminal justice information, including, but not limited to; warrant checks, driving status, vehicle registration checks and criminal history information. Also, to allow a secured network for sending messages between local, state, and federal criminal justice agencies, and the entry/querying of stolen items, warrants, etc.

12.4 Definitions

- A. Access: Only the person(s) who are authorized and trained per LEIN Policy Council standards shall be allowed access (to see/read/hear) to information printed or displayed at LEIN terminal. To determine status of access, LEIN operators are to familiarize themselves with the access chart provided in the LEIN handbook or in section 1-2 of the LEIN manual.
- B. Terminal Agency Coordinator (TAC): That person designed by the agency Head to be in charge of the LEIN terminal. The TAC is responsible for the certifying all operators, LEIN security, LEIN audits, monthly validations, and any other duties delegated by the LEIN Policy Council. The person designated as the TAC shall be knowledgeable in all aspects of LEIN policy, LEIN procedures, and LEIN equipment.

12.5 Procedures

- A. General: The use of the LEIN terminal and its capabilities is intended strictly for criminal justice use, and not for personal information, gain for sale, or for release to non-authorized persons/agencies.
  - 1. Each officer is responsible for maintaining LEIN security on his or her shift, and for the appropriate and necessary use of the LEIN terminal. An Officer shall not refuse to run a legitimate query in a timely manner.

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2. All operators are to insert their own last name as the operator on scan line 55. The person for whom the query is being conducted shall have their last name typed on scan line 56. Abbreviations, nicknames, and car numbers are not permitted.
  3. Person's who are not certified as LEIN terminal operators shall not be permitted to stand or sit near the LEIN terminal.
- B. Warrant/Stolen Entries: As a reminder, all stolen item reports (vehicles, boats, motors, stereos, guns, bicycles, etc., as well as impound vehicles) shall be entered into LEIN as soon as physically possible after receiving the complaint.

It should be indicated in the officer's report that (warrants/wanted/missing/stolen/impounded vehicles) have been entered into LEIN so that they can be cleared if items are recovered or vehicles are picked up.

1. Warrant Entries: Officers making warrant entries should fill out the warrant entry form completely, check for correctness, the correctness, the correct spelling of the defendant's names, race/sex, bond amount, etc. The form should then be placed in the court box to be taken to Central Dispatch for entry.
  2. A copy of the warrant entry sheet should be attached to the original report.
  3. Officers entering warrants shall make every effort to add additional identifiers of wanted people (height, weight, hair, eye color, operator's license, and social security number) by checking the complaint report, SOS records, CMIS records and department computer records.
- C. Vehicle Entries: An abandoned vehicle is a vehicle that has had a sticker placed on it as an abandoned vehicle for a minimum of 48 hours prior to tow away. An impounded vehicle is a vehicle that is towed away at a Police Officer's direction for all other reasons other than abandoned (traffic, hazard, arrest, stolen, etc.).
1. LEIN operators need to review the complaint report to verify proper status of the vehicle. Plate/VIN numbers should be verified with a LEIN/SOS check.
  2. All stolen vehicle, along with impounded and abandoned autos, if towed, need to be entered into LEIN as soon as possible.
- D. Disposition of Printed LEIN Material.

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LEIN printouts of incoming messages or responses to queries shall be handled in one of the following ways:

1. Routed to the appropriate person- Investigating Officers, Chief, Etc.
2. If needed for a report, attached to the department complaint report.
3. C.C.J., checks normally should be shredded after review. If needed for review by the Prosecutor's Office, it shall be attached to the complaint report for the investigator to use.
4. If the LEIN paperwork is not needed, it shall be shredded as soon as possible.
5. LEIN paperwork shall not be taken home, given to non-authorized people, or disposed of in any manner other than by shredding.

### E. Training

1. All Departments sworn police officers are considered LEIN terminal operators.
2. Our TAC person shall train all personnel who are LEIN terminal operators within six (6) months of hire. Every two (2) years thereafter all operators will receive one hour refresher training, and must pass with a minimum of 70% or higher.
3. Civilian operators need an MSP/FBI fingerprint clearance prior to official hiring.
4. All operators are to read the monthly LEIN bulletins as they are received.
5. All personnel shall attend any training deemed necessary by the TAC.

## 12.6 Mobile Data Computer (MDC)

### A. General

1. A training program and manuals shall be developed and maintained for all public safety personnel trained and authorized to use an MDC.
2. MDC's shall be installed in designated police vehicles.
3. MDC's and all attached equipment are the property of the Village of Nashville.

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4. The Nashville Police Department shall coordinate the maintenance of all MDC equipment.
  5. Maintenance of all MDC's will be done by the vendor designated by the Chief.
  6. Repair and/or replacement of MDC equipment as a result of theft, damage due to vandalism or accidents, and abuse or neglect, shall be the responsibility of the Village of Nashville.
  7. In patrol units that are assigned MDC's, the MDC shall be the primary means of Law Enforcement Information Network (LEIN) communication. Central Dispatch will continue to confirm warrants, both local and from other jurisdictions when LEIN warrant hits are made on the MDC's.
  8. Communication between Central Dispatch, officers, and their supervisors should be done as much as is feasible on the MDC's. This includes by way of example only, the following:
    - a. Unit status checks
    - b. Requesting meetings with other fields units
    - c. Routing of routine messages (that have nothing to do with Central Dispatch) to/from field units.
  9. If a MDC becomes inoperative, reasonable efforts shall be made to exchange the vehicle with one that has an operational MDC where possible.
  10. MDC's which are inoperative or damaged shall be reported immediately to the Chief so that repair or replacement can be made in a timely manner.
- B. MDC System Security
1. All transactions through the MDC System are stored electronically and are retrievable from the MDC System.
  2. Messages shall be limited to official business and shall be prudent in their text.
  3. Information transmitted through the MDC System shall be considered as confidential. However, this information may be utilized in court, for

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administrative functions, or may be released pursuant to Freedom of Information Act Request and/or court orders.

4. Any requests for access to this information shall be directed to the Central Dispatch Director or in his/her absence the assistant Central Dispatch Director. This includes but is not limited to Freedom of Information requests.
5. Public safety employees shall secure their vehicle and MDC to preclude unauthorized use or tampering with the MDC System.
6. Random audits of the MDC System shall be conducted and violations of this MDC policy, or any laws, shall be reported to appropriate authorities for disciplinary actions.
7. Agencies receiving notification of a violation of the MDC System Policy shall advise Central Dispatch of the corrective action taken.

### C. Rules of Conduct:

Generally, the MDC System shall be used for official police business only.

### D. Primary Purpose/Functions of the MDC System:

1. Reduce congestion of voice channels.
2. Increase availability of Central Dispatch personnel for high priority Police, fire, and EMS dispatching.
3. Provide in-car access for police to LEIN, NCIC, CMIS, SOS, and other related functions as approved by the LEIN Policy Council.
4. Delivery of dispatch messages to field units.
5. Broadcast of messages by service agency type, agency, or individual unit.
6. Status changes such as arriving at scene, available at scene, clearing calls.
7. Traffic stops and officer initiated activities (quick calls).
8. Car-to-car communications, car-to-dispatch and dispatch-to-car messages.

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9. Provide in-car inquiry capability of the Barry County Law Enforcement “in-house” computer information.

### 12.7 Compliance: Violations of this policy and the policies set forth in the LEIN manual.

- A. Any Officer or civilian employee of this department who violates any section of this General Order or the LEIN policies established in the LEIN manual subjects themselves to departmental discipline up to and including termination.
- B. Department employees may also subject themselves to criminal charges over and above any possible department charges.

### 12.8 LEIN access to fire departments

- A. User agreement  
Prior to LEIN access, the Chief of the Nashville Police Department providing access and the Chief of the (Castleton Maple Grove Nashville) CMGN Fire Department receiving information shall sign a Memorandum of Agreement Regarding Request and Receipt of LEIN Information, as approved by the Nashville Police Department. A copy of the Agreement shall be filed with the Nashville Police Department and a copy shall be kept on file at the CMGN Fire Department.
- B. CMGN Fire Department Access  
The CMGN Fire Department may request and receive LEIN information, in the form of a printout or otherwise, through the Nashville Police Department only for the following purposes:
  1. A pre-employment criminal conviction history check (**purpose code E only**)
  2. A pre-employment driving record check
  3. Vehicle registration information for vehicles involved in a fire or a hazardous materials incident.
- C. Wanted Persons  
If the agency receives a LEIN/NCIC record indicating the job applicant is “wanted”, the Nashville Police Department shall act accordingly upon the warrant or order. However, the LEIN/NCIC warrant information shall not be given to the CMGN Fire Department.

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### D. Dissemination

#### 1. Nashville Police Department

LEIN printouts generated under paragraph 2 may be furnished to the CMGN Fire Department. The name of the person making the request and the Nashville Police Department will be included in all LEIN inquiries. Transmission of vehicle registration information is permissible via radio airwaves; however, the use of a FAX or another electronic device is prohibited. The Nashville Police Department shall ensure that its LEIN operators are trained in these procedures.

#### 2. CMGN Fire Department

After review of the information by the CMGN Fire Department, LEIN printouts shall be immediately crosscut/confetti shredded, or otherwise destroyed. In no instance, shall a printout or other record of LEIN information be maintained in a case file. The CMGN Fire Department shall be responsible for maintaining proper evidence of LEIN transactions. This includes (but is not limited to) application forms, incident reports and electronic global data



## **SECTION 13**

### **NASHVILLE POLICE DEPARTMENT NO SMOKING POLICY**

#### 13.1 Purpose

The purpose of this order is to establish the rules for smoking while on duty.

These orders are for Nashville Police Department use only, and do not apply to any criminal or civil proceedings. This policy should not be construed as a creation of a higher legal standard of safety or care in evidentiary sense with respect to third party claims. Violations of these orders will only form the basis of administrative sanctions. Violations of law will for the basis for criminal and civil sanctions in a recognized judicial setting.

#### 13.2 Policy

It is the policy of the Nashville Police Department to prohibit smoking in city owned or operated buildings and vehicles, and to be compliant with the village's No Smoking policy.

#### 13.3 Balancing Needs

It is the desire of the Nashville Police Department to provide a working environment that is inoffensive and healthy for all employees. It is also the desire of the department to minimize maintenance and avoid damage to department equipment and vehicles that can result from smoking or smoke-filled environments.

Therefore, in order to meet the needs of the Department, and balance the rights of smokers and non-smokers, it is the policy of this department that employees and their guests restrict the smoking of tobacco, while on duty as follows.

#### 13.4 Prohibited Smoking

A. Smoking is prohibited in the following areas:

1. All village buildings, offices and vehicles.
2. On all village owned property.

## SECTION 14

### NASHVILLE POLICE DEPARTMENT EVIDENCE

#### 14.1 Purpose

This order establishes procedures for receiving, storing, releasing, and disposing of property seized as evidence and/or property held for safekeeping.

These orders are for Nashville Police Department use only, and do not apply to any criminal or civil proceedings. The department policy should not be construed as a creation of higher legal standard of safety or care in evidentiary sense with respect to third party claims. Violations of these orders will only form the basis of administrative sanctions. Violations of law will form the basis for criminal and civil sanctions in a recognized judicial setting.

#### 14.2 Policy

It is the policy of the Nashville Police Department to establish control over all property seized, found or held by this office and to insure that a chain of evidence is established and maintained. Further, it is the policy of this office to ensure that property for return, sale or destruction is processed properly in accordance with all state or local laws.

#### 14.3 Rules and Regulations

- A. All property and evidence shall be transferred to the control of the Police Chief.
- B. Weapons for evidence shall be transferred to the control of the Police Chief, as well as any other items that might be construed as weapons.
- C. Personal property on the person of an arrested, i.e., money, wallet and contents, jewelry, etc., shall not be taken from the arrestee by arresting officer except unusual circumstances which necessitate the removal of such items for safekeeping. Any personal property removed from arrestee's person in the circumstances will be transferred to the control of the Police Chief and so noted in the officer's report if evidence of crime only.
- D. All property removed from any vehicle shall be transferred to the control of the Police Chief and so noted on the officer's report.
- E. All property found by police officers or received by police officers from another party who has found the property will be transferred to the control of the Police Chief.

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- F. All property seized shall be placed into the property room no later than the end of your shift, unless you have the following:

- Police Chief's approval

- G. Any items that are contaminated with body fluids will be handled as biohazard material.

### 14.4 Transferring Evidence to Court

Evidence required in court for prosecution purposes will be released by the Police Chief to the officer presenting the evidence. The evidence will be returned to the Police Chief immediately after all legal actions have been completed. When returned, the evidence will be, as released, in the original packages and all tags attached. In the event the evidence or any part thereof is retained by the court, the presenting officer will notify the Police Chief in order that the records may be cleared and the receipt so noted. The property receipt will be signed by the officer when accepting control of the evidence and by the Police Chief when receiving the evidence upon its return.

### 14.5 Disposition of Evidence

- A. Release from Evidence Status to Property:

- The impounding officer will release evidence to property status as soon as possible after the case has been concluded. When the evidence is released by the impounding officer, it is that officer's responsibility to notify the owner that he has 30 days to claim the property.

- B. Court Order:

- Evidence will be released by court order from a court of competent jurisdiction. Destruction of contraband will also be carried out by the Police Chief after receipt of a court order.

- C. Public Sale:

- D. By Conversion:

- This shall be accomplished through forfeiture proceedings or by unclaimed found property.

- E. By Return to Rightful Owner:

- Property will be released to the person in whose name the property is listed upon proper identification of the legal owner or agent of the legal owner. Found property may or may not be released to the finder dependent upon

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attendant circumstances of the case and nature of property found. In all cases of found property, the department reserves the right to secure legal determination before releasing property.

### F. Found Property:

Found property is classified in two ways:

#### 1. Property of major value

Definition: Property of major value means any property that is not collectible currency, contraband, currency, evidence, hazardous material, junk, perishable property or property of minor value. (MCL 434.21)

#### 2. Property of minor value

Definition: Property of minor value means any property whose fair market value is less than the total cost of preparing a property report, plus the costs of storage and disposition. (MCL 434.21)

#### 3. Property of major value shall be returned to the legal owner when the Police Chief is reasonably satisfied of the ownership.

#### 4. If an owner does not appear, then a notice must be sent by mail to any known legal owner of collectible currency, currency, evidence, perishable property or property of major value to the last known address of record. The notice shall contain the following information:

- a. The date the property was found.
- b. The type of property found
- c. The address whence the property is located.
- d. The cost of storage per day. (if any)
- e. A statement that the property must be claimed within six months of the date of letter on the property shall be considered abandoned and disposed of.
- f. The name of the law enforcement agency, the address and the telephone number where the legal owner can obtain the property.

#### 5. If they legal owner is not located and after six months from the date of notice, the property shall be disposed of as follows:

- a. Unless the finder of the property cannot be located or does not want the property, return the property to the finder.

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- b. If the finder of the property cannot be located or does not want the property, then do one of the following:
  - i. Retain the property for use by the Nashville Police Department. An incident report must be filled out and signed by the Chief and filed in the property room.
  - ii. Sell the property at a public sale and deposit the money in the Village's general fund.
  - iii. Release the property to a charitable organization.
6. Property of minor value shall be returned to the legal owner when the Nashville Police Department is reasonably satisfied of that ownership. If after three months the property has not been claimed by the legal owner, the property may be disposed of in any manner by the Nashville Police Department.

### 14.6 Perishable Evidence / Property

Officers may return perishable items to the owner or business after all of the following has been done.

- A. When the crime is a misdemeanor, document the complete description of the item and its container in the police report, i.e., item, weight, color, value, brand name, manufacture numbers, color of container (wrapper) and other identifying marks.
  1. Return the perishable property to the owner (store).
  2. The owner is then free to sell the item(s).
- B. When the crime is a felony, document the complete description of the item and its container in the police report, i.e. item, weight, color, value, brand name, manufacture numbers, color of container (wrapper), other identifying marks and photograph the perishable item(s) with a camera, and log the film/photo into evidence. Then:
  1. Obtain approval from the prosecutor on call to return the evidence to the owner.
  2. Return the perishable property to the owner (store).
  3. The owner is then free to sell the item(s).
- C. Officers will testify in court as to the description of the property, produce photograph (when available) as evidence.

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- D. A refrigerator will be kept in the evidence room for evidence that requires refrigeration.

### 14.7 Specimen Collection Kits

When an officer obtains a blood or urine specimen using the collection kit provided by the Michigan State Police and requests a laboratory analysis, the following steps will be taken:

- A. The kit will be sealed per instructions.
- B. The Police Chief will see that the specimen kit is sent for analysis via certified mail.

### 14.8 Logging Alcoholic Beverage(s) Into Property

When a police officer takes into their possession any type of alcoholic beverage, then the following needs to occur:

- A. The police officer shall note in their report the type and quantity of the beverage.
- B. The police officer shall dispose of the beverage by dumping the beverage out and returning the container to the holder and shall also note the disposal method and information in their report.
- C. In the event that the beverage is obtained from a shoplifting incident or larceny incident, then the beverage shall be returned to the owner. A photograph can be taken for evidence purposes.

### 14.9 Logging Flammable Liquids & Fireworks into Property

When a police officer has an incident where they have flammable liquids or fireworks that have become evidence, then the following needs to occur:

All efforts shall be taken so that flammable/fireworks are disposed of instead of being placed into the property room, and all the information on the disposal must be noted in their report.

- A. Photos shall be taken of all disposed flammable/fireworks.
- B. Used containers.

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### 14.10 Handling of Narcotic and Dangerous Drug Evidence

- A. Officers logging in narcotic or drug evidence will weigh the substance in the container that it was confiscated in. This weigh is only an approximation and is used to protect the officer from allegations of misconduct. The actual weight will be determined by the state police crime lab.
- B. Officers are not to weigh items that are extremely heavy or bulky.
- C. Officers will count any substance that is suitable for counting, such as pills.
- D. Seal the substance in an envelope, insuring that the glued flap is properly secured. In cases where the substance is too large to fit in an envelope it will be packaged in one of the other packaging devices provided and sealed.
- E. The Police Chief, upon receipt of drug or narcotic evidence, shall inspect the packaging for signs of tampering. Such evidence will be kept in the drug locker until it is taken to the lab, court, or to the incinerator for destruction.
- F. Officers returning drug evidence from court or the lab will insure the package is properly secured. All drug and narcotic evidence that is no longer needed for court will be destroyed at the next scheduled drug destruction date. The Police Chief and one officer appointed by the Chief will be present and will follow all state and federal laws in destroying the drugs.
- G. When other items are found in conjunction with narcotics, such as needles, pipes and syringes, they are to be packaged and logged separately as long as they do not contain amounts of drugs or narcotics. Needles, pipes and syringes that do not contain narcotics or drugs, etc. are to be logged in the regular property log.

### 14.11 Duties of Arresting or Reporting Officer

It is the responsibility of the arresting or reporting officer to properly package and/or tag all property and/or evidence and to properly complete the property receipt before transferring the property to the control of the Police Chief. In all cases, the property receipt must be turned in with the evidence or property. The arresting or reporting officer will insure that the following steps have been taken prior to releasing property to the Police Chief. Officers will advise the complainant/victim to contact the Police Chief to make an appointment to obtain any seized items that can be released.

#### Required Documentation (Recovering Officer)

- A. Evidence and non-evidence property will not be mixed in the same property bag(s). Property bags will be sealed and signed and a property label completed and attached to the bag by the arresting or reporting officer prior to transfer to

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the Police Chief. Officers must write on or attach information that advises who the items may be returned to and when if no criminal action is being sought.

- B. Red evidence tags will be securely attached to property seized as evidence or contraband which is too large or bulky or otherwise inappropriate for property bags.
- C. All firearms, including handguns will be tagged only, not placed in bags.
- D. The Police Chief is responsible for maintaining an adequate supply of property receipts, property bags, red evidence tags, property labels and making them available to all personnel.
- E. Officers confiscating property have the responsibility of notifying the owner when said property is released from evidence if the owner/finder is legally entitled to receive such property. A release form will be completed by the officer and given to the Police Chief.
- F. It shall be the responsibility of the officer to properly mark and tag items submitted to evidence that might present a health hazard with the appropriate biohazard labels on all containers.
- G. The officer receiving found property will make every attempt to identify the rightful owner of such property and advise the owner that the property is being held for safekeeping.

### 14.12 Duties of Evidence Custodian / Police Chief

The Police Chief will receive, store and release evidence and other property in a timely efficient and accountable manner, avoiding any unnecessary delay in receiving and releasing property. The evidence custodian will follow established procedures which minimize loss, theft, or destruction of property or any other actions which might lead to loss of evidentiary value of the property. All procedures will be followed to maintain a proper chain of evidence, and document the transfer of property to the point of release from police control. Every legal effort will be made by the Police Chief to prevent the unnecessary accumulation of property in storage.

- A. General property. Evidence and/or property will be received by the Police Chief only after these items have been recorded on the property receipt and each item listed thereon has been properly bagged or tagged.
- B. Weapons. Weapons will be received as indicated above; however, all firearms will be tagged only with the appropriate tag. All firearms will be unloaded with the ammunition bagged and properly marked.



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### C. Evidence and Property Room Procedures

1. The Police Chief will date and initial the property receipt, bag and tags.
2. The property receipt will be filed by the officer's last name.
3. It is the submitting officer's responsibility to properly list all items that are being placed into evidence on a report prior to placing them into the storage cabinet.
4. Upon placement of the evidence or property in the evidence storage room, the storage area and bin number will be recorded on the property receipt.
5. Any item of evidence or property taken to the State Crime Lab will be accompanied by the property receipt. The receipt will be signed by the accepting technician and the crime lab number duly noted on the receipt. The receipt will then be returned to the department's files. Also, a lab work sheet filled out by the officer shall accompany the evidence.
6. Narcotics and dangerous drug evidence (capsules, pills) shall be counted as well as weighed. Additionally, all containers of narcotics and dangerous drugs shall be inspected for tampering as a safeguard against the substitution of material having the same weight. The Police Chief shall secure all narcotics and dangerous drugs in the locked storage cabinet within the storage room.

### D. Incident Reporting

In the event that the Police Chief has problems with evidence or the submitting officer, a department incident report must be completed.

#### 14.13 Duties of the Narcotic evidence Custodian / Police Chief

- A. The Police Chief will handle all narcotic/drugs that are placed into the property bins.
- B. The Police Chief shall follow the following steps:
  1. Shall remove the property and log it into the property book and place it in a secure location.
  2. Shall determine whether or not the property needs to go to the Michigan State Police Laboratory for examination. If the property

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need to go to the laboratory the Police Chief shall place the property in a secure location until it can be taken to the lab.

3. The Police Chief shall be responsible for making sure that the narcotics/drugs property is taken to the lab and it is returned to the department. Once the narcotics/drugs are taken into the property room and it needs to go to the lab, the Police Chief shall make sure it gets there in a reasonable amount of time.
- C. The Police Chief will also be responsible for the disposition of the narcotics/drugs and destroying the narcotics/drugs.

## SECTION 15

### NASHVILLE POLICE DEPARTMENT WEAPONS

#### 15.1 Purpose

The purpose of this order is to specify the weapons that an officer may carry and use, the manner in which these weapons are to be carried, and the qualifications and training regulations that apply to carrying of weapons.

These orders are for the department use only, and do not apply to any criminal or civil proceedings. The departmental policy should not be construed as a creating of higher legal standards of safety or care in evidentiary sense with respect to third party claims. Violations of these orders will only form the basis of Department Administrative Sanctions. Violations of law will form the basis for criminal and civil sanctions in a recognized judicial setting.

#### 15.2 Policy

It is the policy of this department that only authorized and trained persons shall carry and use weapons. It is also the policy of this department that only those weapons issued or approved by the department shall be carried and used while engaged in employment related activity.

#### 15.3 Authorization to Carry Weapons

The department authorizes employees to carry weapons as follows:

##### A. Full Time Certified Police Officers

Full time certified police officers are those employees who are, 1) certified by M.C.O.L.E.S as police officers and 2) who are regularly employed on a full-time basis.

##### 1. On duty:

These officers are authorized to carry all issued weapons and personally owned weapons that have been approved by the Chief with which they have current qualification while on duty.

##### 2. Off duty:

These officers are authorized to carry all issued weapons and personally owned weapons that have been approved by the Chief with which they have current qualification while off duty subject to the following limitations:

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- a. Officers are not authorized to carry weapons in states, which do not allow off duty out-of-state police officers to carry weapons in their state.
- b. Officers are not authorized to carry off duty weapons when they consume alcoholic beverages or have consumed alcoholic beverages within the past four (4) hours or when under the influence of alcoholic beverages. For the purposes of this order, under the influence of alcoholic beverages means a blood alcohol content of more than .05% as measured by breath, blood, or PBT testing.
- c. Officers are not authorized to carry weapons off duty when the weapon will not be under the immediate control of the officer and there is no means of providing a high level of security for an unattended weapon. Locking the weapon in the trunk of a vehicle is considered adequate security for an unattended weapon. Locking the weapon in the truck of a vehicle is considered adequate security for an unattended weapon. Locking the weapon in a locker in a school, health club, motel, airport, or other open places to the public is not considered adequate security for the weapon.

### B. Part Time Certified Police Officers

Part time Certified Officers are those employees who are 1) certified by M.C.O.L.E.S as police officers and 2) who are regularly employed on a part time basis.

#### 1. On Duty:

These officers are authorized to carry all issued weapons and personally owned weapons that have been approved by the Chief with which they have current qualifications while on duty.

#### 2. Off Duty:

Certified part time employees may while in uniform, carry a weapon while driving to or from work locations by the direct route and with no unnecessary stops. All other carry of weapons while off duty is prohibited unless the employee is also employed by another police agency that authorizes the employee to carry weapons while off duty.

### 15.4 Approved Weapon

The department currently issues the following weapons and authorizes those issued these weapons to carry and use them as their duties may require:

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- A. Issued Firearms:
  - Glock model 19 pistol.
- B. Other Issued Weapons:
  - 1. Taser
  - 2. Chemical Agent Spray

### 15.5 Personally Owned Weapons

The Chief may approve the use of other personally owned weapons if need or purpose can be demonstrated for that weapon, subject to the following requirements:

Requirement for personally owned weapons if need or purpose can be demonstrated for that weapon, subject to the following requirements:

Must have the written approval of the Chief containing the following information:

- A. Model
- B. Manufacturer
- C. Caliber
- D. Ammunition
- E. Documentation of training in this type of weapon
- F. Statement that the weapon has not been modified or altered.

### 15.6 Training and Qualification Regulations

#### Required Training

The department will provide training programs for all issued and authorized weapons. Successful completion of training for any weapon is mandatory for person whose assignment requires the carry mandatory or use of that weapon and is optional for those employees who are authorized, but not required to carry the weapon in question as part of their duties. Training/qualification requirements are as follows:

- A. Firearms
  - Employees who carry firearms must qualify with each type of firearms used (revolver, semi auto handgun, shotgun, or rifle). Employees must qualify

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twice annually, with the two qualification supported by a period of a minimum of 8 months. Any employee who has not qualified with the type of firearm in question within the past 8 months is no longer authorized to carry that impact weapon.

### B. Taser

Employees must be trained and authorized by the Department to carry and use Taser on duty.

### C. Chemical Weapons

Employees must be trained and authorized by the Department to carry and use chemical weapons on duty.

### D. Failure to Qualify

Employees who attend, but fail to successfully complete mandatory training and/or qualification in any weapon shall receive remedial training and given another opportunity to successfully complete the qualification. Continued failure to qualify may result in termination of employment.

### E. Failure to Attend

Employees who fail to attend mandatory training will be subject to disciplinary action.

### F. Range Operations

Shall be conducted in accordance with MCOLES standards for qualification.

### G. Ammunition

The department will provide all ammunition for issued firearms. The employee will provide ammunition for personally owned weapons.

### H. Range Supervision

1. Safety is the primary consideration in all firearms training.
2. The assigned range officer is in authority at the range, regardless of rank.
3. The direction of the range officer carries the authority of a verbal order from a superior officer.

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4. Employees who are disruptive or engage in unsafe behavior at the range will be directed to leave the range.

### I. Gun Handling Rules

1. Possession of firearms is prohibited in the jail portion of the Barry County Sheriff's Department.
2. Officers who enter the jail from the office area shall secure firearms in a gun locker room prior to entering the jail.

### J. Shotguns

1. Whenever shotguns are carried inside the police department's building, the magazine shall be empty, the action shall be open, and the safety shall be on.
2. Whenever shotguns are carried in a patrol car, they shall be either:
  - a. unloaded, slid open, safety on, or
  - b. Magazine loaded, chamber empty, slide closed and safety on.
  - c. Officers may chamber a round of ammunition in a shotgun when the officer feels that the use of the shotgun may be eminent.

### K. Handguns

1. All handling of handguns in the office shall be kept to a minimum. Handguns shall normally remain in the holster when in the office portion of the department.
2. Handguns shall not be removed from the holster except to place them in secure storage areas or the inspection at the direction of supervisor or armorer.
3. Whenever an officer finds it necessary to remove the holster from their person, the handgun will first be removed from the holster securely.
4. In order to minimize the change of injury resulting from accidental discharge, officers who find it necessary to load or unload any handgun while in the building shall use the designated loading and unloading station.

## **SECTION 16**

### **NASHVILLE POLICE DEPARTMENT USE OF FORCE**

#### **16.1 Purpose**

The purpose of this order is to provide guidance to officers during the application of force and to establish procedures to follow when force has been used during the performance of their duties.

This policy will outline a subject control continuum procedures for proper medical treatment and guidelines for the proper documentation and reporting in use of force incidents.

These orders are for Nashville Police Department use only, and do not apply to any criminal or civil proceedings. This policy should not be construed as a creation of a high legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of these orders will only form the basis of administrative sanctions. Violations of law will form the basis for criminal and civil sanctions in a recognized judicial setting.

#### **16.2 Policy**

It will be the policy of the Nashville Police Department to establish guidelines and standards for the use of force and to train officers in these guidelines and standards.

#### **16.3 Duty and the Use of Force**

Officers of the Nashville Police Department have a legal duty to protect themselves and their fellow officers, protect the public, enforce the law, maintain civil order, and protect property. In the performance of these duties, it may become necessary for the member to use force to accomplish this task.

#### **16.4 Reasonable and Necessary Force**

It is the policy of the Nashville Police Department to employ in all situations only those levels of force that are reasonable and necessary to control behavior of the offender. Reasonable and necessary levels of force are those levels that permit the officer to restrain or control the offender while maintaining a high level of safety for themselves, their fellow officers, and the public. Reasonable physical force may be used in the following situations:

- A. Self-defense.
- B. To protect, defend or aid fellow officers.



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- C. To protect, defend or aid civilians or prisoners.
- D. To prevent a person from harming themselves whether intentionally, recklessly or accidentally.
- E. To prevent a crime or escape.
- F. To effect an arrest.
- G. To maintain public order or stop a disturbance.
- H. To protect or preserve evidence or a crime scene.

The level of force used must be reasonable and necessary under the circumstances. When the officer has overcome the resistance and/or regained control of the offender, the officer will immediately de-escalate or stabilize the situation and call for assistance before intervening or attempting to control the offender(s). If, however, the situation calls for self-defense or the protection of others, the officer should be prepared to act quickly and effectively.

### 16.5 Definitions

**Deadly Force:** Any force by an officer that may reasonably be expected to result in death or great bodily harm.

**Less Than Lethal Force:** Force used by an officer that would not reasonably be expected to cause death or great bodily harm.

**Physical Controls:** Hard empty-handed techniques, chemical agents, and the Advanced Taser (strikes, takedowns, pepper spray, and electro-muscular disruption).

**Control:** When the subject's resistance or aggressive actions are neutralized and the subject no longer poses an immediate threat to the officer, himself/herself, or others.

**Advance Taser:** An Electro-Muscular Disruption (E.M.D.) device that utilizes a twenty-six (26) wall electrical discharge that disrupts the body's ability to communicate messages from the brain to the muscles causing motor skill dysfunction.

**Objectively Reasonable Force:** The reasonableness of the force used based on the circumstances of the moment when the force was used. An officer's action will be judged in light of what a reasonable officer on the scene would have done, given the same set of circumstances. (Graham v Conner, 1989).

**Escalation or De-escalation of Resistance:** The changes in control measures applied by an officer in response to resistance offered by a subject.

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Totality of Circumstances: An understanding of the entire incident and of the factors involved, which combined with the subject's action form the basis for the officer's response. Circumstantial considerations include, but are not limited to:

- A. Type of crime (committed or attempted).
- B. Exceptional skills of subject.
- C. Size, stature, strength of subject.
- D. Immediacy of danger.
- E. Access to weapons.
- F. Distance from subject.
- G. Injury and exhaustion of officer.
- H. Number of officers as backup.
- I. Weather of terrain conditions.
- J. Number of subjects involved.
- K. Special knowledge of subject (prior history, emotional state, etc.).

Subject Control Continuum:

- A. The shape of the continuum shows several levels of resistance and use of force. The wide portion depicts the least amount of resistance and requires the least amount of officer response. The continuum narrows as the resistance becomes more aggressive and the officer's response escalates to the point of utilizing deadly force.
- B. The circumstances of the incident and the amount of resistance the subject displays will determine the officer's response. As the level of subject resistance increases, the level of officer response will also increase. As a subject's actions escalate, injury potential increases, and the choices an officer has for an effective response decreases.
- C. Situations do occur where the escalation or de-escalation of subject's resistance is sudden, thus the officer's appropriate response may occur anywhere on the continuum that represents an objectively reasonable response to the perceived threat posed by the subject, based on the totality of circumstances.

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- D. Different officers may respond differently to a subject's resistance or actions. Officers are not required to choose the least intrusive control, method, only a reasonable one. Reasonable means action suitable for the situation, consistent with the use of force continuum and methods approved by department training and policy.
- E. Types of subject resistance and officer response:
  - 1. Inactive Resistance
    - a. Subject Action-Inactive Resistance  
Resistance may include psychological intimidation and/or verbal resistance (blank stares, clenching of fists, verbal disagreement, etc). The subject complies, however, with verbal attempts to control.
    - b. Officer Response-Presence and/or Verbal Direction  
The presence of a uniformed officer or verbal direction alone may control the incident.
  - 2. Passive Resistance
    - a. Subject Action-Passive Resistance  
Resistance whereby the subject does not attempt to defeat the officer's attempts to touch or control but will not voluntarily comply with verbal or physical attempts to control (dead weight, does not listen to verbal commands).
    - b. Officer Response-Compliance Controls  
Soft empty-handed techniques are used. They may inflict pain and are used to gain control (joint locks, pressure points, etc). They are used when verbal orders have not been effective and there is non-compliance to lawful orders. Selection of a reasonable control method is critical in this situation.
  - 3. Active Resistance
    - a. Subject Action-Active Resistance  
A subject's attempt to prevent an officer from gaining control (pulling or pushing away, blocking, etc.) This is not an attack against the officer, but an overt attempt of keeping the officer from gaining control.
    - b. Officer Response-Physical Controls  
Hard empty-handed techniques, chemical agents, or electro-muscular disruption are used (strikes, takedowns, chemical agents, Advanced Taser, etc.) Based on the totality of circumstances, controls available, and officer's ability, the control response may vary.

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4. Active Aggression
  - a. Subject Action-Active Aggression  
Physical actions/assaults against an officer or another person with less than deadly force (challenging, punching, kicking, etc.) The resistance is now aimed specifically against another person or the officer.
  - b. Officer Response-Intermediate Controls  
The use of an intermediate weapon such as an impact weapon or less than lethal munitions (baton, 12 gauge less lethal munitions, etc.)
5. Deadly Force Assault
  - a. Subject Action-Deadly Force Assault  
Any force used against an officer and/or another person that may result in great bodily harm or loss of human life.
  - b. Officer Response-Deadly Force  
Any force used by an officer that may result in great bodily harm or loss of life. A deadly force assault leaves little room for officer response options and must be made to stop the assault and neutralize the threat.
6. Last Resort  

Situations may occur where certain, immediate, and drastic measures must be undertaken by an officer to protect human life. Force used in these situations may involve the use of techniques or weapons not specifically authorized by policy.

### 16.6 Chemical Agents

Chemical agents have application where the subject's actions constitute Active Resistance, Active Aggression, or where the officer believes lower forms of empty hand controls will be inadequate. Any use of pepper spray or OC Pepperball will be documented in detail in the incident report and Use of Force Report.

- A. Use of Chemical Agents
  1. Training and certification:
    - a. Only officers who have successfully completed the appropriate training for a chemical agent may carry and utilize those chemical agents.

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- b. Officers shall be re-certified in the use of chemical agents annually.
- c. Officers shall only carry or use chemical agents issued by the Nashville Police Department.
- d. Once a person has been subdued, the officer will ensure that proper first aid is promptly administered as soon as practical after pepper spray is used. In the event a bystander has been affected by pepper spray, they should be advised proper first aid procedures and be directed to the emergency department of the hospital if necessary.

### 2. Proper first aid for pepper spray:

- a. Exposure to large amounts of fresh air
- b. Washing the affected area with clear cold water
- c. Immediate treatment by medical personnel, if aggravated symptoms or severe reactions exist.
- d. Continual monitoring of the subject.

- B. Booking officers shall be notified that chemical agents were used on a subject prior to lodging in the jail.

## 16.7 Taser

The decision to use the Taser is based on similar criteria an officer utilizes when selecting to deploy other less lethal force options (chemical agents, impact weapons, less lethal munitions, etc.) The decision must be made dependent upon the actions of this subject(s) or threat facing the officer(s) and the totality of the circumstances surrounding the incident. The use of the Taser must be reasonable and necessary.

- A. The Taser is **not** meant to be used in deadly force situations. The Advanced Taser should not be used without a firearm back up in those situations where there is a substantial threat towards the officer(s) or others present.
1. Departmental personnel shall only carry and use the electro-muscular disruption device issued by the Nashville Police Department.
  2. Officers may only use issued Taser cartridges.
  3. Training and certification:
    - a. Only members who have successfully completed the appropriate training may carry or utilize the Taser.
    - b. A mandatory re-certification program shall be successfully completed annually.

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### 4. Use of Taser:

The Taser is an additional law enforcement tool and is not intended to replace firearms or replace other equipment, tools or techniques. The Taser should be used only when it is appropriate for the situation present. The utilization of a Taser is considered use of force and as such, must comply with the Department use of force guidelines.

- a. The Taser may be used in those situations where a subject is threatening himself/herself, an officer or another person with physical force and other means of controlling the subject are not reasonable or could cause injury to the officer(s), the subject(s) or others.
- b. The Taser may be used when factors indicate the officer(s), offender(s) or others would be endangered by the use of other use of force alternatives. In this instance the word “other” means lesser or equal force options may have been ineffective and the threat still exists to the officer(s), subject(s) or other(s).
- c. The body’s center of mass area should be the target area when firing a Taser, particularly the center mass of the back area.  
**The head and face should not be targeted unless the appropriate level of force can be justified.**
- d. The Taser should never be used punitively or for purposes of coercion. It is to be used as a method for averting a potentially injurious or dangerous situation.
- e. Prior to the deployment of a Taser, the officer deploying the Taser has the responsibility of visually and physically confirming that the instrument is a Taser and not a firearm.
- f. The deploying officer, when practical, should notify assisting officers that a Taser is going to be deployed.
- g. The Taser has the ability to ignite flammable liquids. **It shall not be deployed at subjects who are known to have come in contact with flammables, chemical agents or in environments where flammables are obviously present. *Personnel should be especially aware of this when in known clandestine lab environments.***
- h. Proper consideration and care should be taken when deploying the Taser on subjects who are in an elevated position or in other circumstances where a fall may cause substantial injury or death. Officers must be prepared to justify such deployment.

### 5. Responsibilities after deployment:

- a. Immediate action should be taken to care for the injured, apprehend any suspects and to protect the crime scene.

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- b. Once the subject is restrained or complied, the Taser should be turned off.
- c. Medical personnel shall remove probes that are in sensitive areas such as face, neck, groin or breast.
- d. The officer may remove probes from other areas. Officers shall provide first aid following removal of the probes.
- e. **Officers should inspect the probes after removal to ensure that the entire probe and probe barb has been removed. In the event that a probe, or probe barb has been broken off and it is still embedded in the subject's skin, the subject should be provided the appropriate medical attention to facilitate the removal of the object.**
- f. A supervisor should take photographs of the probe impact sites and any other related injuries. Photos should be logged into evidence.
- g. Probes that have been removed from the skin shall be treated as biohazard sharps and placed in evidence in an appropriate container.
- h. Officers shall attempt to locate the A.F.I.D. tags and place those into evidence. It is recommended that at least three (3) of these tags are retrieved and placed into evidence with the expended cartridge.
- i. Booking officers shall be notified that a Taser has been deployed on a subject prior to lodging in the jail.

### 16.8 Less Lethal Munitions:

For the purpose of this policy, less-lethal impact projectiles are defined as those munitions which can be fired, launched, or otherwise propelled for the purpose of encouraging compliance, overcoming resistance, or preventing serious injury without posing a significant potential of causing death. Examples of less-lethal impact projectiles include beanbags, launch able wooden, foam or rubber batons, rubber pellets and other like items.

#### A. Justify for use:

- 1. Less-lethal munitions will only be used after all reasonable efforts to control a violent person or animal has failed. If you would not be justified in using your baton, you are not justified in using less-lethal munitions.
- 2. Use of less-lethal munitions may be justified under any of the following circumstances:
- 3. Any time an officer believes deadly force is justified.

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4. Whenever the use of less-lethal munitions would assist in the arrest of an armed violent person;
5. Whenever the use of less-lethal munitions would assist in reducing the risk of more serious injury to a suspect, bystander, or officers;
6. In situations wherein the Chief deems their use necessary to safely resolve the incident.

### C. Persons Authorized to use Less-lethal Munitions:

1. Only department personnel who have successfully completed a Nashville Police Department approved training course in the proper use and deployment of less-lethal impact projectiles are authorized to use them during actual operations.
2. Re-certification with less lethal munitions shall be conducted annually.

### D. Deployment:

Authorized personnel may carry 12 gauge less-lethal munitions during their duty shift.

1. When off duty, department personnel shall store these munitions in a secure location (the trunk of an assigned patrol vehicle is an approved, secure location.)
2. Additional 12 gauge less-lethal munitions shall be stored in the firearm storage area at the Nashville Police Department.

### E. Procedures after Use:

Whenever less-lethal projectiles are used and strike an individual, the officer shall:

1. Promptly obtain medical treatment for the individual.
2. Have photograph(s) taken of the body area where the subject was struck, and an overall photograph which shows the full body and face. This shall be done, whenever possible, prior to treatment;
3. In situations where an individual may claim injury from less-lethal projectiles, the officer shall have photographs taken.



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### F. Procurement and Inventory:

1. Less-lethal munitions shall be procured in accordance with normal Nashville Police Department purchasing procedures.
2. Inventory, serviceability, and tracking shall be the responsibility of the Police Chief.
3. Under no circumstances shall any person be authorized to tamper with or alter in any manner, any less-lethal munitions or weapons.
4. Misfires and duds shall be recovered, rendered safe and removed from service. The inventory control person shall be notified.

### 16.9 Impact Weapons

- A. Impact weapons have application where the subject's actions constitute Active Resistance or Active Aggression, or when the officer believes lower forms of empty hand controls will be inadequate. The Nashville Police Department issued or approved baton is a tool that can provide a means by which an officer can defend themselves or others from injury.

#### Training and certification

1. Only officers who have successfully completed the appropriate training for impact weapons may carry an impact weapon.
2. Officers shall be re-certified in the use of impact weapons annually.
3. No officer shall carry any personally owned impact weapon without the prior written consent of the Police Chief.

### 16.10 Medical Considerations

- A. All personnel will be alert to any injury or complaint of injury occurring during the use of force. Any visible injury or complaint of serious injury will be brought to the attention of the supervisor.
- B. An arrested subject will be taken to a medical facility for treatment when:
1. The subject makes a reasonable request for medical treatment.
  2. The subject complains of serious injury or continued pain.
  3. An officer observed or suspects injury to the subject, which would normally require treatment.

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4. The subject experiences symptoms or severe reactions not normally associated with the use of chemical agents, or aggravated symptoms persist beyond 30 minutes.

### C. Additional Factors:

1. In all cases where the subject exhibits an uncooperative and combative attitude, the supervisor will determine the appropriate time for treatment.
2. In all cases, the payment for treatment will be the responsibility of the subject being treated.
3. Officers providing medical assistance to a subject as the result of officer applied force will immediately notify the on-duty supervisor of the incident. Any injury or complaint of injury and treatment will be fully documented in the incident report and justification for use of force.

### 16.11 Justification

Justification for the use of deadly force must be limited to what reasonably appears to be the facts known or perceived by the member at the time the member made the decision to use deadly force. No fact or evidence developed at a later time, no matter how compelling, can be used to later judge the decision or actions taken by the member.

### 16.12 Use of Deadly Force

- A. One of the greatest responsibilities of an officer is the prudent and effective use of the weapons that are carried. Officers are authorized to use these weapons because it is realized that deadly force may be required to protect themselves or others. At the same time, the people of the State of Michigan recognize the rights of the accused and expect the officer to exhaust all possible alternatives to apprehend even a dangerous felon before deadly force is used.
- B. Officers must be ever mindful of the seriousness of the offense for which the person is to be arrested, and must exercise discretion in determining the necessity of pointing or discharging a weapon. The totality of circumstances and risk of injury to innocent bystanders must be considered in the decision to point or fire a weapon. It must be remembered that any future litigation will be based on whether or not an officer's actions were "objectively reasonable."

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### 16.13 Situations Where Deadly Force is Authorized

#### A. Self Defense or Defense of Another:

The use of deadly force is justified in self-defense or the defense of another where the officer has reason to believe there is imminent danger.

#### B. In all deadly force situations the following conditions must exist:

1. The officer or another person is in immediate danger of death or great bodily harm.
2. The suspect has the present opportunity to cause death or great bodily harm.
3. The suspect has the apparent capability to cause death or great bodily harm.

#### C. Life-Threatening Felonies:

1. The use of deadly force is also justified in apprehending a fleeing felon when the officer has probable cause to believe that:
  - a. The suspect has threatened the officer with a weapon; OR
  - b. The suspect has committed a dangerous and life threatening crime involved the infliction or threatened infliction of great bodily harm; AND
  - c. The use of deadly force is necessary to prevent the suspect's escape and no other reasonable alternative is available; AND
  - d. If feasible, some warning has been given prior to deadly force being used.
2. The following are considered dangerous and life threatening felonies:
  - a. Murder and its attempt
  - b. Armed Robbery and its attempt
  - c. Arson (felony) and its attempt (occupied dwelling only)
  - d. Kidnapping (non-family)
  - e. Criminal Sexual Conduct involving a weapon
3. An officer will not fire upon a person who is fleeing on suspicion alone that such person may have committed a life-threatening felony or solely because a person fails to stop upon command or runs a blockade.

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### 16.14 Situations Where Deadly Force is Prohibited or Limited

#### A. Discharging firearms at vehicles:

1. In order to justify the discharge of a firearm at a vehicle under the self-defense or defense of another standard, there must be some overt action on the part of the driver to establish intent to kill or severe injury as opposed to merely escape. This overt action may be a verbal threat or the continued threatening operation of the vehicle after the suspect is presented with an avenue of escape.
2. Refusal of a driver to stop a vehicle, chasing a stolen vehicle, a police pursuit for a non-life-threatening felony, or running a roadblock is not considered justification for discharging a firearm.
3. Officers should not fire a weapon from a moving vehicle unless under extreme circumstances.

#### B. Target Acquisition

Each officer must independently identify the target as a dangerous felon, establish the necessity to fire, and ensure the line of fire is free of bystanders or other hazardous conditions. If able, the officer is to use the international warning of "Stop, Police!"

#### C. Warning Shots

Warning shots **may not** be fired. They can precipitate other gunfire and can result in innocent people being injured.

#### D. Misdemeanor Cases

Under no circumstances can the discharge of a firearm be justified to affect an arrest for a misdemeanor charge or to apprehend a person fleeing from such a charge.

#### E. Other Firearms Use

1. When killing a wounded, vicious or diseased animal and other means of disposal are unavailable.
2. At an approved firearms range.

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### F. Careless, Unintentional or Accidental Shootings:

1. Any reckless gunplay such as quick draw or careless shooting is strictly prohibited and violates the most elementary standards of firearm safety.
2. A handgun shall not be fired single action, carried or placed in a cocked condition except for second or subsequent shots from a semi-automatic handgun.
3. No officer shall furnish his or her firearm to any citizen or civilian enlisting his/her assistance in any way.
4. Officers shall not use a firearm as a club or tool of for any use other than for which it was designed and intended except as an extreme measure of self-defense when the use of deadly force is justified.

### 16.15 Deadly Force Other Than Firearms

Deadly force may consist of the use of other items, articles, instruments or equipment other than firearms which are designed, intended and routinely utilized for other legitimate, police purposes, such as vehicles, batons, flashlights, etc. Deliberate use of any such item, article, instrument or equipment for any purpose other than for which it is designed and intended, or in a potentially deadly manner (i.e. as a club), is prohibited except in cases where the use of deadly force is specifically authorized in this order.

### 16.16 The Discharge of Firearms – Reports and Investigation

- A. Whenever an officer, except at an approved range, has the occasion to discharge a firearm in the line of duty, a written report will be completed as soon as it is practical thereafter. Upon its completion, a copy is to immediately be forwarded to the Chief. Exceptions to this rule would be in department approved training or the destruction of animals.
- B. The elements of a report will include, but are not limited to the following:
  1. The exact description of the original call or reason for contact with the person(s) involved.
  2. The subject's actions and behavior (including statements).
  3. Known or suspected influence of alcohol or drugs.
  4. The state of mind of the subject.

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5. The subject's use of or access to weapons. Any other methods used to attempt to control the subject's actions.
6. The result and effectiveness of the control method(s) used by the office.
7. All complaints of or observable injuries to either officer and/or subject, including a complete description of the injury, treatment received, attending medical personnel, and time between injury and treatment.
8. All damage that resulted from the subject's actions, including any damage to officer's uniform, patrol car, personal property, etc.
9. Photographs of the incident, including all injuries and damage.

### 16.17 Management of Involved Personnel

- A. Purpose: The purpose of this procedure is to provide guidelines that shall be uniformly applied following any officer involved shooting incident that has resulted in death or serious injury, in order to minimize the changes that involved members will develop or suffer from post-traumatic stress disorder.
- B. Definitions:
  1. Post-Traumatic Stress Disorder: An anxiety disorder that can result from exposure to short-term severe stress, or over the long-term buildup of repetitive and prolonged milder stress.
  2. Officer-Involved Shooting Incident: A line-of-duty incident where shooting causes death or serious bodily injury to an officer or other person.
- C. At The Scene:
  1. The Police Chief shall respond to the scene and shall assume primary responsibility in caring for involved personnel.
  2. That the officer be taken to a quiet area away from the scene. A peer, counselor, or supportive friend should remain with the involved officer, but avoid discussing the details of the incident.
  3. The Police Chief should arrange for the officer to leave the scene as soon as possible, and be taken to a secure quiet setting.

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4. When possible, the Police Chief should meet with the officer. The supervisor should:
  - a. Inform the officer of the standard investigation procedures.
  - b. Ask only minimal questions about the incident, and inform the officer that a more detailed debriefing will take place later.
  - c. Advise the officer that they may obtain legal counsel.
  - d. Advise the officer to discuss the incident with no one except Police Department personnel, legal counsel, Police Department investigators or union representatives until after the preliminary investigation is over.
5. The Police Chief shall determine if the officer's weapon needs to be taken for evidentiary purposes. If so, the Police Chief shall take the weapon discreetly, and replace it with another, or advise the officer that it will be returned or replaced at a later time, as appropriate.
6. Involved officers should notify their families as soon as possible. Where an officer is unable to do so, and agency official shall personally notify the family and arrange for any needed transportation.

### 16.18 Post-incident Procedures

- A. Involved personnel shall be removed from active duty pending evaluation but shall remain available for any necessary administrative investigations.
- B. All officers involved directly in the shooting incident shall be required to complete counseling and an evaluation with an agency designated counselor. After counseling the specialist shall advise the agency:
  1. Whether it would be in the best interest of the officer to be placed on administrative leave and the length of the leave.
  2. When officer's weapon should be returned, if the officer was relieved of the weapon at the scene.
  3. What will be the best course for continued counseling?
- C. The Nashville Police Department strongly encourages the families of the involved officers to take advantage of counseling services.
- D. The Nashville Police Department personnel will brief other officers concerning the incident so rumors will be kept to a minimum.
- E. All Nashville Police Department personnel shall be advised that they are not to speak to the media about the incident. Officers shall refer inquiries to a designated spokesperson, unless authorized to release a statement.

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F. Officers directly involved in the shooting shall be required to re-qualify as soon as practical.

G. Stress Recognition:

1. As post-traumatic stress disorders may not arise immediately, or the officer may attempt to hide the problem, the Police Chief should monitor the behavior of members for symptoms of the disorder.
2. The Chief may order an officer to seek or undergo counseling from a mental health specialist upon reasonable belief that stress may be disrupting the officer's job performance.
3. The Nashville Police Department will attempt to provide training pertaining to post-traumatic stress disorders and in the uniform procedures contained in this policy as economic and manpower consideration allow.

### 16.19 Investigation Procedure

**Purpose:** The purpose of this procedure is to ensure that all incidents involving the use of deadly force by officers of this department are thoroughly investigated and that a report of the findings is rendered in a timely manner.

**Procedure:**

A. Duties of the Involved Officer(s):

1. The involved Officer(s) shall immediately contact the shift supervisor and advise the supervisor of any use of deadly force.
2. As a first priority, the involved officer(s) shall take whatever measures necessary to render first aid to injured persons and summon emergency medical services as required.
3. As a second priority, the involved officer(s) shall take whatever measures are necessary to secure the scene and maintain the integrity of all evident associated with the incident. Officers shall not allow any person to enter the scene unless that person is directly involved in the treatment of injured persons.
4. Upon the arrival of the shift supervisor, the involved officer(s) shall turn the responsibility for the scene over to the supervisor. The involved officer(s) should remain available as directed by the supervisor.



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5. The involved officer(s) should make no statements to any person or agency unless authorized by the supervisor.
6. The involved officer(s) shall upon request, surrender to the Police Chief any weapon, tool, or other equipment that the Chief deems to be necessary to the investigation of the incident.

### B. Duties of the Supervisor:

1. The Police Chief shall respond to the scene. The primary responsibility of the Chief is in caring for the involved officer(s) as detailed in Sect. 1-04.03.
2. The Police Chief shall assume responsibility for the care of injured persons and the security of the scene.
3. The Police Chief shall summon to the scene adequate personnel to investigate the incident fully.
4. In order to maintain the highest degree of integrity in the investigation a representative from the prosecutor's office shall be called.

## **SECTION 17**

### **NASHVILLE POLICE DEPARTMENT LINE OF DUTY DEATH**

#### 17.1 Policy:

It shall be the responsibility of the Nashville Police Department to provide liaison assistance to the immediate survivors of any deputy who dies in the line of duty, whether feloniously or accidentally, while an active member of the department. This assistance shall include the clarification and comprehensive study of survivor benefits, and to provide tangible support during this traumatic period of readjustment for the surviving family members.

These orders are for Nashville Police Department use only, and do not apply to any criminal or civil proceedings. This policy should not be construed as a creation of a higher legal standard of safety or care in evidentiary sense with respect to third party claims. Violations of these orders will only form the basis of administrative sanctions. Violations of law will form the basis for criminal and civil sanctions in a recognized judicial setting.

#### 17.2 Purpose:

The purpose of this policy is to direct the Nashville Police Department to provide proper care for the family of the deceased. It should be noted that the funeral arrangements are to be decided by the FAMILY, with their wishes taking precedence over the agency's wishes.

#### 17.3 Definitions:

**Line of Duty Death:** Any actions, felonious or accidental, which claims the life of a Nashville Police Department officer who is performing work-related functions either while on or off duty.

**Survivors:** Immediate family members of the deceased officer: spouse, children, parents, siblings, fiancé/fiancée and/or significant others.

**Beneficiary:** Those designated by the officer as recipients of specific death benefits.

**Benefits:** Financial payments made to the family to insure financial stability following the loss of a loved one.

**Funeral Payments:** Financial payments made to the surviving family of an officer killed in the line of duty which are specifically earmarked for funeral expenses.

#### 17.4 Procedures

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### A. Notification

1. The name of the deceased officer WILL NEVER be released to the media before immediate survivors living in the area are notified.
2. If there is knowledge of a medical problem with an immediate survivor, medical personnel will be dispatched to the residence to coincide with the death notifications.
3. Notification WILL ALWAYS be made in person and never alone. The Chief will make the notification. The family should learn of the death from the department FIRST and not from the media or other sources.

If the above person(s) are not readily accessible, notification should NOT be delayed until these persons can gather. If the opportunity to get the family to the hospital prior to the demise of the officer presents itself, DO NOT WAIT for the appropriate delegation to gather.

As soon as most public safety families see you, they will know something is wrong. Ask to be admitted to the house. NEVER make a death notification on the doorstep. Gather everyone in the home and ask them to sit down. Inform family members slowly and clearly of the information that you have regarding the incident. If specifics of the incident are known, the notifying officer should relay as much information as possible to the family. Be sure to use the officer's name during the notification. If the officer has died, relay that information. Never give the family a false sense of hope. Use the words such as "died" and "dead", rather than "gone away" or "passed away".

If the person responsible for the death notification has been seriously affected by the death, he/she should understand that showing emotions is perfectly acceptable.

Surviving parents will be afforded the same courtesy of personal notification if they live in the same geographic area.

**NOTE:** *Reactions of the family may include hysteria, anger, fainting, physical violence, shock, etc.*

- If the family requests to visit the hospital, they should be transported by department vehicle. **It is highly recommended that the family NOT drive themselves to the hospital. If the family insists on driving, an officer should accompany them in the family vehicle.**

If young children are at home, the department must arrange for childcare needs. This may involve co-workers' spouses, transportation of children to a relative's home, or a similar arrangement.

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Prior to departing for the hospital, the informing officer should notify the hospital staff and the officer in charge at the hospital (by telephone) that a member(s) of the family is in route.

If immediate survivors live a significant distance beyond the department's jurisdiction; request PERSONAL death notification from the public safety agency in that area. Logistical arrangements should enable simultaneous telephone contact between the survivors and the Nashville Police Department.

***In the event of an on-duty death, the external monitoring of police frequencies may be extensive. Communications regarding notifications should be restricted to the telephone whenever possible. If the media has somehow obtained the officer's name, they should be advised to withhold the information, pending notification of next of kin.***

### B. Assisting the Family At the Hospital

A hospital liaison will be appointed to act as information liaison for medical personnel to the family of the officer and fellow officers.

1. Appropriate waiting facilities for the family and fellow deputies should be secured at the hospital by the liaison.
2. The liaison will see that the family is updated on the officer's condition/incident as soon as the family arrives at the hospital.

The liaison will insure that pertinent information on the officer's condition is relayed on a timely basis. They shall also make the family and fellow deputies aware of hospital policy about visitation with the injured officer and/or visitation with the body following the demise, and explain why an autopsy is needed.

If it is possible for the family to visit the injury officer before death, they should be afforded that opportunity. IT IS THE FAMILY'S RIGHT to visit their loved one. The liaison should "prepare" the family for what they might see in the emergency room and should accompany the family into the room for the visit if the family requests it. DO NOT BE OVERPROTECTIVE OF THE FAMILY. "There is a definite need to touch and hold the body while there is still life, and being present when death occurs can be comforting for the family."

3. V.S.U. members will be present the entire time the family is at the hospital and should arrange whatever assistance the family may need at that time.

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4. The staff member who made the initial notification should be among those at the hospital.
5. Idle promises should not be made to the family at this time (i.e. “we’ll promote him/her posthumously.” Or “we’ll retire his/her badge.”)
6. Arrangements will be made by Nashville Police Department member for transportation of the family back to their residence.
7. The liaison will be responsible to arrange for medical bills relating to the services rendered to the deceased officer to be sent to the appropriate governmental agency for payment. The family should NOT receive any of these bills at their residence address.
8. Assistance for Affected Officers- Officers who were on the scene or who arrived moments after an officer was critically injured or killed should be relieved as quickly as possible.

Police witnesses and other officers who may have been emotionally affected by the serious injury or death of another officer will attend a Critical Independent Debriefing. The Debriefing will be structured according to department policy.

### C. Support For the Family During the Wake or Funeral

1. Although liaison officer should know the deceased officer and be aware of the family relationships, the officer should not be so emotionally involved with the loss that he/she would become ineffective. The liaison officer must know that **THIS IS NOT A DECISION-MAKING POSITION. THIS IS A ROLE OF ‘FACILITATOR’ BETWEEN THE FAMILY AND THE NASHVILLE POLICE DEPARTMENT.** The liaison officer will:
  - a. Insure that the **NEEDS OF THE FAMILY** come before the wishes of the department.
  - b. Meet with the family and tell them what his/her responsibilities will be during this time.
  - c. Meet with the family regarding funeral arrangements. Since most officers have not prearranged their wishes for the handling of their own funeral; the family will most likely need to decide all aspects of the funeral. The department should only make the family aware of what they can offer in the way of assistance if the family decides to have a “line-of-duty funeral”.
  - d. When possible, be given a cell phone.

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- e. Know all information concerning the death and the continuing investigation to answer family questions.
  - f. Be constantly available to the family throughout this traumatic process.
  - g. See that the surviving parents are afforded recognition and will have proper placement arranged for them during the funeral and funeral procession.
  - h. See that the family is briefed on the funeral procedure; (i.e. 21-gun salute, presenting of flag, playing of taps, etc.)
2. Morning Bands shall be worn on shirt and coat badges displayed by Nashville Police Department personnel.
  - a. Mourning bands are displayed from the date of the death through the day of the funeral.
  - b. Mourning bands will be used for duty death and non-duty death.
  - c. Mourning bands shall not be used in the event of a suicide death.
3. The Police Chief will handle the media throughout this traumatic ordeal. In the unlikely event that the family should decide to accept an interview, this person will attend and 'screen' all questions presented to the family so as to not jeopardize any upcoming legal proceedings.
4. Members of the department will be responsible for seeing that the family home is prepared for the influx of visitors following the funeral. Food and childcare needs will be provided for, and members of the department will screen phone calls and remain in the residence during this time.
5. The liaison will provide a list of alternate churches with seating capacities large enough to accommodate attendance at the funeral. **REMEMBER THE NASHVILLE POLICE DEPARTMENT SHOULD ONLY MAKE THE FAMILY AWARE OF THE ALTERNATIVE. IT IS THE FAMILY'S CHOICE.**
6. Departmental vehicles will be made available to the family if they desire transportation to and from the funeral home.
7. V.S.U. members will be responsible for providing the family access to other public safety survivors or other support groups (Concerns of Police Survivors, Survivors of Homicide Victims, Compassionate Friends, Parents of Murdered Children, etc.).

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8. The Nashville Police Department will send road patrol members on routine residence checks by the survivor's home for 6-8 weeks following the tragedy. These same members will also ascertain from the survivor(s) if any harassing phone calls are being received.
- D. Providing Information and Assistance with Benefits to the Surviving Family
1. A liaison officer will gather information on ALL benefits/funeral payments available to the family. Insure that this person has the department's full support to fulfill the responsibility to the survivors to coordinate ALL death benefits/payments; (i.e. insurance policies, outstanding debts, etc.). This liaison officer should be completely responsible for filing appropriate paperwork and following through with the family to insure that the benefits are being received, including.
    - a. Filing Worker's Compensation claims and related paperwork, and assisting the family in filing claims under the Public Safety Deputies Benefits Act, if appropriate.
    - b. Contacting the appropriate city offices without delay to ensure that the beneficiary receives death and retirement benefits, the officer's remaining paychecks and payment for remaining annual vacation, sick time and any other benefits provided under the officer's labor agreement. Keep in mind that these benefits may change with individual labor groups.
    - c. Gathering information on all benefits/funeral payments that are available to the family.
    - d. Setting up any special trust fund or educational funds, when necessary.
    - e. Notifying police organizations such as Fraternal and Labor, etc., of the death and to ensure that any and all entitlements are paid to the beneficiary(ies). These agencies may also offer legal and financial counseling to the family at no cost.
    - f. Preparing a printout of the various benefits/funeral payments that are due to the family, listing named beneficiaries, contacts at various benefits offices, and when they can expect to receive payment.
    - g. Meeting with the surviving family a few days after the funeral to discuss the benefits they will receive. A copy of the prepared summary and any other related paperwork should be given to the family at this time.
    - i. If there is a surviving child(ren) from a former marriage, the guardian of those children should receive a summary of what benefits the child(ren) may be receiving.

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- ii. Attention should be given to the revocation of benefits. The majority of health benefits providers allow a 30 day grace period before canceling or imposing monthly payments upon survivors.
    - h. Meeting again with the family one month after and then in six months intervals to make sure that they are receiving benefits.
  2. If criminal violations surround the death, the family will be informed of all new developments prior to any press release.
  3. If there will not be any court proceedings surrounding the circumstances of the officer's death, at the earliest opportunity, the Nashville Police Department will relay all details of the incident to the family.
  4. The Chief should be highly visible during these days.
  5. Plaques/memorabilia given to the surviving spouse will also be given to the surviving parents.
- E. Sheriff's Office Funeral Participation/Communication with Surviving Family
  1. Issue a LEIN message to include the following:
    - a. Name of deceased
    - b. Date and time of death
    - c. Circumstances surrounding the death
    - d. Funeral arrangements (state if service will be private or a police funeral).
    - e. Uniform to be worn
    - f. Expressions of sympathy in lieu of flowers; and contact person and phone number for visiting departments to indicate their desire to attend and to obtain further information.
  2. Obtain an American Flag. If the family wishes a flag presentation by the Chief, notify the Chief.
  3. If the family desires a burial in uniform, assign a deputy to obtain a uniform and all accoutrements (except weapons) and deliver them to the funeral home.
  4. Assign members for usher duty at the church.



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5. Arrange for the delivery of the officer's personal belongings to the family.
  6. Brief the Chief concerning all funeral arrangements.
  7. Ensure that the surviving parents are afforded recognition and that proper placement is arranged for them during the funeral and procession.
  8. Arrange for a stand-by doctor for the family, if necessary.
  9. Coordinate traffic management, with other jurisdiction if necessary, during the viewing, funeral and procession. Arrange for a tow truck to be available along the procession route.
  10. Assign an officer to remain at the family home during the viewing and funeral.
  11. Maintain a roster of all departments sending personnel to the funeral, including:
    - a. Name and address of responding agency
    - b. Name of Sheriff, Chief, or Director
    - c. Number of deputies/officers responding
    - d. Number of deputies/officers attending the reception
    - e. Number of vehicles
  12. Assist in making the necessary accommodations (food, lodging, etc.).
  13. Acknowledge visiting and assisting departments.
  14. Arrange for routine residence checks by the Patrol Division or the appropriate jurisdiction of the survivor's home for 6-8 weeks following the funeral. This service is necessary since large amounts of money are passing through the residence and the survivors will be spending much time away from the home dealing with legal matters.
- F. Continued Support for the Family

Members of the department must remain sensitive to the needs of the survivors long after the officer's death. The grief process has no timetable and survivors may develop a complicated grief process. More than half of the surviving spouses can be expected to develop a post-traumatic stress reaction to the tragedy.

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Survivors should continue to feel a part of the “police-family.” They should be invited to department activities to ensure continued contact. Members of the department are encouraged to keep in touch with the family. Close friends, co-workers, and officials should arrange with the family to visit the home from time to time so long as the family expresses a desire to have these contacts continue.

The Chief should observe the anniversary of the deputy’s death with a short note to the family and/or flowers to the grave site or family’s home.

Holidays may be especially difficult for the family, particularly if small children are involved. Increased contact with the survivors and additional support is important at these times.

## **SECTION 18**

### **NASHVILLE POLICE DEPARTMENT POST TRAUMATIC INCIDENT PROCEDURES**

#### 18.1 Purpose

The purpose of this policy is to provide guidelines that shall be uniformly applied following any officer-involved trauma that has resulted in death or serious bodily injury, in order to minimize the chances that involved personnel will develop or suffer from post-traumatic stress disorder.

These orders are for Department use only, and do not apply to any criminal or civil proceedings. The Department policy should not be construed as a creation of a higher legal standard of safety or care in evidentiary sense with respect to third party claims. Violations of these orders will only form the basis of Department administrative sanctions. Violations of law will form the basis for criminal and civil sanctions in a recognized judicial setting.

#### 18.2 Policy

Law enforcement duties can often expose officers and support personnel to mentally painful and highly stressful situations that cannot be resolved through normal stress coping mechanisms. Unless adequately treated, these situations can cause disabling emotional and physical problems. It has been found that officer-involved shootings resulting in death or serious bodily injury to a citizen or fellow officer (or a similar event) may precipitate such stress disorders. It is the responsibility of this law enforcement agency to provide personnel with information on stress disorders and to guide and assist in their deterrence. Therefore, it shall be the policy of this agency to take immediate action after such incidents to safeguard the continued good mental health of all involved personnel.

#### 18.3 Definitions

- A. Post-Traumatic Stress Disorder: An anxiety disorder that can result from exposure to short-term severe stress, or the long-term buildup of repetitive and prolonged milder stress.
- B. Officer-involved Incident: A line-of-duty incident where shooting causes death or serious bodily injury to an officer or other person.

#### 18.4 Handling of Officers at Scene

- A. The Police Chief shall be dispatched to the scene of the incident, and shall assume primary responsibility in caring for involved personnel.

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- B. The Police Chief shall make appropriate arrangements for all necessary medical treatment.
- C. During any period where the involved officer is required to remain on the scene, but has no immediate duties to fulfill, the officer should be taken to a quiet area away from the scene of the incident. A peer counselor or other supportive friend or officer should remain with the officers but should be advised not to discuss details of the incident.
- D. The Police Chief should arrange for the officers directly involved in the incident to leave the scene as soon as possible, and be taken to quiet, securing setting.
- E. Where possible, the supervisor shall briefly meet with the involved officers.
  - 1. No caffeine or other stimulants or depressants should be given to the officers unless administered by medical personnel.
  - 2. Only minimal, preliminary questions should be asked about the incident. The officers should be advised that a more detailed debriefing will be conducted at a later time.
  - 3. Any standard investigations that will occur concerning the incident should be discussed with the officers.
  - 4. The officers should be advised that they may seek legal counsel.
  - 5. The officers should be advised not to discuss the incident with anyone except a personal or agency attorney, union representative, or departmental investigator, until the conclusion of the preliminary investigation.
- F. The Police Chief shall determine whether the circumstances of the incident require that the officer's duty weapon be taken for laboratory analysis.

Where the duty weapon is taken, the supervisor shall:

- 1. Take custody of the officer's weapon in a discreet manner; and
- 2. Replace it with another weapon, or advise the officer that it will be returned or replaced at a later time, as appropriate.
- 3. Involved officers should notify their families about the incident as soon as possible. Where an officer is unable to do so, a police department official shall personally notify his/her family, and arrange for their transportation to the hospital.

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4. At all times, when at the scene of the incident, the supervisor should handle the officer and all involved personnel in a manner that acknowledges the stress caused by the incident.

### 18.5 Post Incident Procedures

- A. Involved personnel shall be removed from line duties pending evaluation but shall remain available for any necessary administrative investigation.
- B. All officers directly involved in the incident shall be required to contact a designated specialist for counseling and evaluation as soon as practical after the incident. Involved support personnel should also be encouraged to contact such specialists after an incident. After the counseling sessions, the specialist shall advise the Police Department:
  1. Whether it would be in officer's best interest to be placed on administrative leave or light duty, and for how long;
  2. Where the officers were relieved of their duty weapons after an incident, at what point they should be returned;
  3. What will be the best continued course of counseling.
- C. The Police Department strongly encourages the families of the involved officers to take advantage of available counseling services.
- D. Any Police Department investigation of the incident shall be conducted as soon and as quickly as practical.
- E. The Police Department will brief other agency members concerning the incident so that rumors are kept to a minimum. Members are encouraged to show the involved officer their concern.
- F. All personnel involved in an incident should be advised that they are not permitted to speak with the media about the incident. Officers shall refer inquiries from the media to a designated spokesperson, unless otherwise authorized to release a statement pertaining to the incident.
- G. In order to protect against crank or abusive calls, officers should be advised to have phone calls answered by another person for several days if their names are released to the public.
- H. Officers directly involved in an incident shall be required to re-qualify as soon as practical.

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### 18.6 Daily Stress Recognition

- A. As post-traumatic stress disorders may not arise immediately, or the officers may attempt to hide the problem, each supervisor is responsible for monitoring the behavior of unit members for symptoms of the disorder.
- B. The Police Chief may order an officer to seek assistance or counseling from a mental health specialist upon a reasonable belief that stress may be disrupting the officer's job performance.

### 18.7 Training

- A. The Nashville Police Department will provide employees with training pertaining to post-traumatic stress disorders and the uniform procedures contained in this policy on a regular basis.
- B. The Police Chief is responsible for making available to their employee, information about peer counseling group and mental health services.

## **SECTION 19**

### **NASHVILLE POLICE DEPARTMENT FREEDOM OF INFORMATION ACT**

#### 19.1 Purpose

To provide a uniform process for implementing the requirements of the Freedom of Information Act (F.O.I.A.).

#### 19.2 Policy

All requests made under the provisions of the Freedom of Information Act for access to Nashville Police Department records shall be processed in accordance with the requirements of that Act.

#### 19.3 F.O.I.A. Coordinator

The Village Clerk shall serve as the F.O.I.A. Coordinator for the Nashville Police Department. The Chief or other appointed designee shall serve as the F.O.I.A. Supervisor. Both are responsible to understand and work within the guidelines of the F.O.I.A. Act.

#### 19.4 F.O.I.A. Coordinator Responsibilities

- A. Document the receipt of information requests and monitor the status of the request in order to ensure compliance with the mandated time frame.
- B. Compile the requested information and forward accordingly.
  - 1. Serious injury or fatal report requests will be forwarded to the Chief.
  - 2. Any incident involving juveniles will be forwarded to the Chief.
  - 3. Any complaint investigation not including a traffic crash report will be forwarded to the Chief.
- C. Submit final response (approval or denial, partial denial) along with explanation to the requestor.

#### 19.5 Coordination with Departments and Offices

The Nashville Police Department F.O.I.A. Supervisor shall refer any questionable requests for information to the Village Clerk.

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### 19.6 Fees for Furnishing Public Records

- A. A search for a Nashville Police Department record may be conducted or copies of public records may be furnished without charge if the F.O.I.A. Coordinator determines that a waiver or reduction of the fee is in the public interest.
- B. Nashville Police Department records shall be furnished without charge for the first \$20.00 of the fee for each request to an individual who is entitled to information under the Freedom of Information Act and who submits an affidavit stating that the individual is then receiving public assistance or if not receiving public assistance, stating facts showing inability to pay the cost because of indigence.
- C. The F.O.I.A. Coordinator may require a good faith deposit from the person requesting the record if the fee authorized under this section exceeds \$50.00. The deposit shall not exceed  $\frac{1}{2}$  of the total fee.



## SECTION 20

### PUBLIC INFORMATION

#### 20.1 News Release Policy

Department personnel may release information from current investigations and reports of the department following legitimate requests upon the authority of the Chief of Police.

Unless circumstances make news releases inadvisable, every effort shall be made to provide appropriate releases. The Chief of Police may delegate authority to promptly provide for the release of allowable news.

News releases may be withheld or delayed when circumstances require and justify it. Some instances are listed below. This is not an all-inclusive listing.

- A. Upon an order of the courts, news releases will not be given out.
- B. At the request of the involved prosecutor, news releases will not be given out.
- C. In cases where news releases could jeopardize the prosecution, segments may be withheld.
- D. In cases where the news release would disclose confidential informants or adversely affect the privacy or security of involved persons, including law enforcement officials and their families, elements of the investigation may be withheld.
- E. News about suicides may be withheld.

The following guidelines are included to help you determine what should and should not be included in news releases.

#### 20.2 Information Regarding Reported Crimes

- A. Only essential facts of the crime are to be released.
  - 1. The name and city of the victim and the degree of injury or loss. If the complainant or victim requests this information remain confidential, the request shall be honored.
  - 2. In sex crimes or where a juvenile has been victimized, the identity of the victim is to be kept confidential.

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3. Care must be exercised in the release of the details or an assault or method of operation used in the perpetration of a crime. Report only those facts that are known.
  4. There shall be no speculation or supposition as to how a crime was committed, who may have committed the crime, or why it may have been committed.
  5. Do not describe weapons or specific details of crimes. In a homicide case, it is sufficient to report that the victim was shot or stabbed, etc.
- B. It should be remembered that withholding of certain specific details of a crime is beneficial to later investigation and interview.
- C. News releases and LEIN messages should inform the public to contact this department instead of an individual officer if they have information concerning the crime in question. Department personnel receiving such information shall forward it immediately to the officer in charge of the investigation.

### 20.3 Information Regarding a Crime Under Investigation

- A. The news media will be interested in any progress made in some particularly spectacular cases. They will want authorities to furnish them with some type of information. Unfortunately, this is also a particularly sensitive area in regard to development to pretrial prejudice.
- B. The following cautions should be observed.
1. It is stressed again that no speculation or supposition is to be indulged in.
  2. No items of evidence discovered may be mentioned or commented upon.
  3. No witness who is located is to be identified to the news media.
  4. Officers shall not stage posed crime scenes for media photographs. Interviews and photographs showing large seizures are permitted in the vicinity of the crime scene, at the police station, or other suitable location. However, photographs with physical evidence, such as bloody clothes and weapons used in the crime, are discouraged.
- C. The essential facts of the case may be repeated with some further clarification as the case develops, keeping in mind that the above cautions must be observed.

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### 20.4 Information Regarding an Arrest

- A. The greatest danger of constitutional encroachment lies in the area of post-arrest publicity.
- B. The arrested subject (except juvenile offenders) may be completely identified.
  - 1. Name, age, city, and occupation may be given. In this instance, race should not be specified.
  - 2. No police photograph is to be furnished by this department after the subject's arrest.
  - 3. The subject will not be forced to pose for news photographs.
  - 4. Special arrangements for interview or TV News coverage during the booking process shall not be permitted.
  - 5. The details of the arrest may be furnished.
    - a. Where and when arrested and by whom.
    - b. Note also that if during the arrest another chargeable offense occurred, such as felonious assault, attempted murder, etc., the same policy guidelines should be followed.
- C. The charge for which the subject was arrested is to be listed as it appears on the Prosecutor's order or authorization for a warrant.
- D. No mention is to be made of polygraph or other special tests or to failure of the subject to submit to any such tests.
- E. Court proceedings may be reported after they have occurred, mentioning the specific court, charges, pleas, bond, etc.

## SECTION 21

### NASHVILLE POLICE DEPARTMENT BARRY COUNTY LAW ENFORCEMENT MUTUAL AID AGREEMENT

#### 21.1 Purpose

For the general purpose of rendering mutual aid in law enforcement protection, pursuant to MCLA 123.811 et seq; the local units of government within Barry County which have passed resolutions hereby enter into an agreement for mutual aid upon the following terms and conditions.

These orders are for Nashville Police Department use only, and do not apply to any criminal or civil proceedings. This policy should not be construed as a creation of a higher legal standard of safety or care in evidentiary sense with respect to third party claims. Violations of these orders will only form the basis of administrative sanctions. Violations of law will for the basis from criminal and civil sanctions in a recognized judicial setting.

#### 21.2 Definitions:

Community- Shall mean a county, township, city or village.

Police Officer- Shall mean a peace officer having jurisdiction in the community by which he or she is employed.

Commanding Officer- Shall mean the highest ranking police officer on duty in the community or his designee, who has the responsibility for directing the police department at the time of the emergency.

Special Police Need- Shall mean a combination of circumstances requiring immediate action which requires manpower or equipment additional to that available to the requesting community at the time of the emergency.

Requesting Community- Shall mean the community in which an emergency exists and who requests aid pursuant to this Agreement.

Responding Community- Shall mean the community which sends personnel and/or equipment to requesting community pursuant to this Agreement.

Investigation Need- Shall mean that the Chief, Sheriff, MSP Post Commander or their designee jurisdiction. This shall further mean that the following procedures shall be utilized to activate mutual aid under these circumstances.

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- A. Requesting Emergency Investigation Assistance: The requesting community shall use the following procedure to request emergency investigation assistance from a responding community.
  - 1. Advise the prosecuting attorney's office of a major crime incident within the community.
  - 2. Requesting community to determine whether the incident requires the formation of a Major Crime Action Unit consisting of select members from participating communities.
  - 3. Determine the number of investigators required for emergency assistance.
  - 4. Determine and inform the responding community what type of expertise is required (i.e., interviewers, photographs, crime scene processing, or any other expertise required by the requesting community).
- B. Determination and Declaration of Emergency: The Commanding Officer shall be responsible for determining and declaring that any emergency exists in his or her community.
- C. Request for Assistance: A Commanding Officer of the requesting community may make a request for aid to the Commanding Officer of the responding community.
- D. Response to Request for Assistance: The Commanding Officer of the responding community may make available to the Command Officer of the requesting community such police officers and unsworn employees and equipment as are available to meet the needs of the emergency. The Commanding Officer of the responding community may decline the request for aid. Neither party to this Agreement shall be liable for a failure to respond to a request for assistance for any reason.
- E. Use of Auxiliary or Reserve Police or Public Safety Officers: A responding community may send auxiliary or reserve police or public safety officers when the requesting department approves their use, provided that such auxiliary or reserve officers act under the direction of regularly employed officers of the responding community.
- F. Direction at the Scene of an Emergency: The person in charge of operations at the scene of an emergency shall be the Commanding Officer of the requesting community. All personnel and equipment of a responding community shall be under the control and direction of the Commanding Officer of the requesting community upon arriving at the scene of the emergency. All directions for the

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use of responding personnel and equipment shall be made through the highest ranking officer of the responding unit, whenever possible.

### Incident Command:

Whenever possible and Incident Command System shall be employed to assist in incident management. The Incident Command System shall consist of the following components:

1. Command Post- Designated area for the Incident Commander and any other person identified to facilitate unity of command.
2. Communication Center- There shall only be one communication relay used per incident to communicate with Central Dispatch.
3. Staging Area- All personnel responding to the incident shall report to a designated staging location. All unassigned personnel are to remain in this staging area until further instruction by Command Officer.
4. Information Officer- (Optional) Designated person responsible for dissemination of any/all incident information to public agencies including the media.
5. Safety Officer- (Optional) Designated person responsible for overall incident safety and security.

G. **Withdrawal of Personnel and Equipment:** The personnel and equipment of a responding community may be withdrawn at any time at the sole discretion of the Commanding Officer of a responding community. The Commanding Officer of the requesting community shall be notified prior to the withdrawal whenever possible. The Commanding Officer of the requesting community shall be notified of the withdrawal whenever possible. The responding community shall not have any obligation to keep its personnel or equipment in the requesting community for a longer period of time than is deemed necessary by the Commanding Officer of the responding community. A responding community shall not be liable to a requesting community for leaving the scene of an emergency.

### H. Indemnity:

1. The requesting community shall indemnify and save the responding community harmless from all claims, demands, costs or damages (including attorney fees) for bodily injury, including death, or property damage to person or legal entity arising out of the acts and omission of personnel of the responding community which are specifically ordered or directed by the Commanding Officer of the requesting community.

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2. The requesting community shall indemnify and save the responding community harmless from all claims, demands, costs or damages (including attorney fees) for bodily injury, including death, or property damage to person or legal entity arising out of the acts and omission of personnel of the responding community which are not specifically ordered or ordered by the Commanding Officer of the requesting community.
  3. Nothing in this Agreement shall be intended to provide third party beneficiary rights to any persons or to create a cause of action in favor of persons or to create a cause of action in favor of such persons. Nothing in this Agreement shall be construed as a waiver of governmental immunity.
- I. Indemnity in Joint Training Programs: Each community entering this Agreement shall indemnify and save all other participating communities harmless from all claims, demands, costs or damages (including attorney fees) for bodily injury, including death, or property damages to any person or legal entity arising out of the acts or omissions of personnel of that community during joint training programs for emergency operations.
  - J. Employee Benefits: Each community in this Agreement shall continue to provide the same salaries, workers compensation, retirement and other fringe benefits to its employees responding to a mutual aid request, as those employees would receive while on duty in their community.
  - K. Costs of Equipment and Supplies: Costs of equipment and supplies used while giving assistance will be borne by the community owning the equipment and supplies.
  - L. Federal or State Reimbursement for Emergency Works Funds: The requesting community in an emergency, when making application for federal or state funds for reimbursement of the costs of the emergency operations, shall apply for such funds for responding communities. Each community will maintain appropriate records to support such applications.
  - M. Community Participation in this Agreement: A community may agree to participate in this Agreement by having the chief law enforcement officer of their community sign the original document. The original document will be held in the Prosecutor's Office.
  - N. Termination: This Agreement may be terminated by any party to this Agreement by providing the other parties of this Agreement with written notice thirty (30) days prior to the time the party wishes to withdraw its service from the Manual Aid Agreement.

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- O. Recession of Existing Agreements: The adoption of this Agreement rescinds any existing reciprocal or mutual aid agreements between the adopting community and any other communities which have adopted this Agreement.
- P. All incident reports that are generated as a result of this Agreement will be forwarded to the requesting community as soon as possible.
- Q. The requesting community should convene a post incident evaluation within a reasonable amount of time after the conclusion of the incident.
- R. In the event that any portion or portions of this Agreement are deemed to be unenforceable shall not indicate other provisions are not enforceable.
- S. The following procedure shall be followed to revise this Agreement.
  - 1. Send copies of revisions to all participating communities.
  - 2. Revision must be agreed to by a majority of the participating communities.
  - 3. After the revisions are approved by a majority of the participating communities they may be attached as an addendum to the Agreement or the Agreement can be retyped.



## SECTION 22

### NASHVILLE POLICE DEPARTMENT MICHIGAN SEX OFFENDER REGISTRATION ACT

#### 22.1 Purpose

Effective October 1, 1995, Public Act 295, known as the “Sexual Offender Registration Act”, requires that registration of persons convicted of certain sexual offenses. An individual who fails to register or notify for change of address as required is guilty of a felony (4 years and/or \$2,000 fine). All offenders must verify their address between January 1<sup>st</sup>-15<sup>th</sup> annually. In addition, felony offenders must verify between the 1<sup>st</sup> and the 15<sup>th</sup> of April, July, and October. Failure to do so is a misdemeanor. The Nashville Police Department’s function will be, in some instances, initial registration, and change of address and/or verification following the procedures below.

#### 22.2 Initial Registration

Registration will consist of the entire DD-4 form being completed by the law enforcement personnel available at the time. This will only be done upon receiving positive identification by way of a Michigan Operator’s License or Identification Card and a check of sex registration status in LEIN. (DO NOT ALLOW OFFENDER TO FILL OUT THE FORM).

- A. Registering official will sign and date the form and the offender will be requested to sign it.
- B. If appropriate, have the parent, or guardian of the juvenile offender, sign the form.
- C. Provide the yellow copy of the signed form to the offender.
- D. Turn the original copy over to the Chief for LEIN entry.

Offender will read and sign the DD-4A, Explanation of Duties, to register as a sex offender when applicable.

#### 22.3 Change of Address

- A. Verify the identification of the offender presenting for change of address.
  1. Picture Identification
  2. Check sex registration stat in LEIN (10-29)

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- B. Complete the bottom half of the DD-4 marking the **CHANGE OF ADDRESS** box.
  - C. Registering official will sign and date the form and the offender will be required to sign it.
  - D. Provide a copy of the signed form to the offender.
  - E. Turn the white original over to the Chief for LEIN entry.
- 22.4 Verification
- A. Verify the identification of the offender presenting for change of address.
    - 1. Picture Identification.
    - 2. Check sex registration status in LEIN (10-29)
  - B. Complete the bottom half of the DD-4 marking the **ADDRESS VERIFICATION** box.
  - C. Registering official will sign and date the form and the offender will be required to sign it.

## **SECTION 23**

### **NASHVILLE POLICE DEPARTMENT CITIZEN COMPLAINT PROCESS**

#### **23.1 Purpose**

The purpose of this order is to ensure the quality of services provided to promote a high level of public confidence and to maintain the professional integrity of this department and its members.

#### **23.2 Policy**

It is the policy of this department to accept, document, review, and investigate instances of alleged misconduct, to include complaints regarding the directives or procedures of the department, and to equitably determine whether the allegations are valid or invalid and to take appropriate action. Allegations of misconduct will be investigated, regardless of whether initiated by citizen complaint, or other external agencies, internally generated, or discovered through the internal review and administrative processes of the department.

#### **23.3 Citizen Complaints**

- A. Citizen Complaints pertaining to departmental policies or procedures, or that allege officer misconduct, shall be documented and investigated by the department. A citizen who has a complaint expects action. All complaints shall be accepted in a courteous, understanding, and professional manner.
  - 1. Complaints may be given in person, over the telephone or in writing.
  - 2. Anonymous complaints, or complaints from citizens who wish their names to be held in confidence, shall not be accepted for investigation.
- B. Citizen Complaints shall be accepted by any member of the department and directed to the Police Chief.
  - 1. The Police Chief shall document the complaints in writing.
  - 2. The Police Chief will provide the citizen with a statement form. She/he will explain the method for completing the form and respond to any questions the citizen may have in completing the form.
  - 3. Following completion of the form, the Police Chief will review the contents for completeness and will ask the citizen about any part of the complaint that is unclear or is incomplete. The Police Chief will explain the steps of the internal investigation process.

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4. In every case, where a citizen indicates physical inability or lack of minimum writing skills to complete the statement form, it shall be prepared for the citizen by the Police Chief.
  5. Should the citizens refuse to submit the complaint on a statement form and/or sign it, the Police Chief shall note such refusal on the form.
  6. Citizens who are unable to speak and/or write in English language should be encouraged to submit the complaint forms in their native language.
  7. All completed citizen complaint statement forms will be given a sequential internal investigation control number, preceded by the year, i.e., 96-0001. The Chief will record the complaint.
  8. All complaints received and assigned a control number will be investigated following the internal investigation policy found elsewhere in this manual.
  9. The Police Chief may attempt to resolve a complaint with an explanation of departmental policies and procedures. Where applicable, attempts to resolve complaints shall be noted on the complaint form.
- C. Upon receipt of a citizen complaint, the Chief shall contact the complainant and advise them that the matter is under investigation. The Chief shall advise the complainant of the departmental procedures for processing an investigating citizen complaint.
- D. Investigations of complaints shall be completed according to the procedures as prescribed in the complaint policy located in the village policy book.

### 23.4 Officer Responsibilities

- A. Each member of this agency is responsible for accepting and documenting citizen complaints following the procedures prescribed herein.
- B. All complaints shall be accepted in a courteous, understanding, and professional manner.
- C. Where possible, officers will refer complainants to the Police Chief.
- D.
- E. In instances when the Police Chief is not readily available, the officer receiving notice of a desire to make a complaint will accept the document and the complainant as described above.

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- F. After receiving a complaint, members will forward the complaint to the Police Chief.

### 23.5 Outside Agency Information / Complaints

Complaints forwarded to this department from the Prosecuting Attorney, Federal Bureau of Investigation, State or Federal Attorney General's Office, etc., will be summarized on the complaint form. The receiving officer will prepare a cover memo including the outside agency contact person and forward both complaint forms and the memo to the Chief's office immediately.

### 23.6 General Considerations

- A. In the event that the officer receiving a citizen complaint considers it to be of a very serious nature or an emergency circumstance, the Chief should be notified immediately.
- B. In any extremely serious case or emergency circumstance, supervisory officers and above have the authority to immediately relieve an employee from active duty status pending further investigation of the incident. This initial suspension from duty will be with pay.
- C. No employee of this department will harass, verbally abuse, or otherwise threaten any citizen or fellow employee who files a complaint against an employee of this department.

### 23.7 Compliance

Violations of this policy, or portions thereof, may result in disciplinary action.

### 23.8 Officers Assigned to Other

Officers of this department assigned to or assisting other law enforcement agencies will be guided by this policy.

### 23.9 Application

This order constitutes department policy, and is not intended to enlarge the employer's or employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard or safety or case in an evidentiary sense with respect to third party claims insofar as the employer's or employee's legal duty as imposed by law.

## SECTION 24

### NASHVILLE POLICE DEPARTMENT JUVENILE POLICY

#### 24.1 Purpose

- A. To establish policy and procedures to be followed by officers of the Nashville Police Department when taking juveniles into custody.
- B. When Juveniles can be taken into custody:
  - 1. The juvenile is found violation any law or ordinance.
  - 2. Conditions exist that would make an arrest lawful if the juvenile were an adult.
  - 3. It is reasonably believed that the juvenile was evading legal custody.
  - 4. Conditions exist which endanger the juvenile's health, morals, or welfare.
  - 5. The officer is continuing a lawful arrest by a citizen, (i.e., Retail fraud, ect.)
- C. Delinquency
  - 1. Serious Offenses
    - a. If an officer takes custody of a juvenile for a serious offense, he/she may request detention if the offense that has occurred is so serious that release would endanger public safety or if any circumstances exist which would make detention advisable. (e.g., violation of a court order, ect.)
    - b. When the arresting officer intends to detain a juvenile, contact will be made with the juvenile court.
    - c. If custody has been authorized, the arresting officer will bring the juvenile to the office where fingerprints and mug shots will be taken.
    - d. The arresting officer will document on the report the time of custody, the time contact was made with the juvenile center, the time of the fingerprinting, and the time of placement in the juvenile center.
    - e. The officer will complete the juvenile form and contact the child's parents/guardian or custodian regarding the placement.

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### 2. Minor Offenses

- a. When a juvenile is taken into custody for a minor offense, he/she will be taken home, or a parent, guardian or custodian may be summoned to the office or to the scene where the juvenile is being held.
- b. If the officer is able to handle the problem by discussion with the parent, guardian, or custodian, a case report shall be written.
- c. Positive identification shall be obtained from the person custody of the Juvenile. The person's name, address, phone number, DOB, etc., shall be listed in the case report.

### 3. Status Offenses

- a. Officers taking custody of a juvenile for a status offense (e.g., runaway, curfew violation, etc.) will return the juvenile to the custody of a parent, guardian, or custodian. The parent, guardian, or custodian may be summoned to the office to pick up the juvenile.
- b. If the juvenile refuses to stay at home, placement can be arranged with a relative or other appropriate place if this is approved by the parents and the juvenile. Juveniles cannot be placed in a secured facility if their only offense is a status offense.
- c. Anytime a juvenile is taken into custody for a status offense, a case report shall be written.

## B. Child Abuse/Neglect

### 1. Taking a juvenile into custody without a court order.

- a. Take the juvenile to a hospital for an examination and treatment if there is abuse suspected or if the juvenile is in need of other medical attention.
- b. If any injuries are apparent, photographs of the injuries shall be done.

### 2. Child Protective Services (DSS) must be contacted if an officer takes a report of abuse or neglect. Law requires notification of DSS even if the perpetrator is not a member of the same household as the victim. Child Protective Services shall be contacted as soon as practical after the officer originally receives the information regarding abuse or neglect.

### 3. All appropriate forms must be filled out at the time the report is taken.

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### C. Taking a child into custody with a court order.

#### 1. Temporary order or care

- a. When an officer is called upon to assist in removing a juvenile with a temporary court order of care, the officer will attempt to carry out the order.
- b. In this type of situation, the officer does not have the authority to enter the residence if those persons having control of the premises refuse entry.

#### 2. Temporary order of custody

When an officer is called upon to assist in removing a juvenile using a temporary order of custody, the officer does have the authority to enter the premises of effect the order. This order may also be used to take a delinquent child into custody.

3. A parent or other adult may resent the execution of court orders and all attempts should be made to be as diplomatic as possible.

### D. Rights of Juveniles

1. Juveniles are entitled to the same rights and privileges as an adult.
2. Both the juveniles, parents, or “friendly” adult must be present and both must waive their rights against self-incrimination (Miranda). Neither the juvenile nor the adult can independently waive the rights of the juvenile.
3. At no time will a juvenile be placed in a locked room at the police station.
4. At all times juvenile offenders must be kept separate from adult offenders in sight and sound.

### E. Application

This policy applies to all personnel of the Nashville Police Department. It is not intended to be restrictive in nature, but rather a guide and legal basis for the treatment of juveniles.



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### F. Revision Responsibility

1. Responsibility for the continuous updating and revision of this policy lies with the Chief of Police. Continuous shall mean when necessary or mandated by law.
2. In the event this policy and procedures conflicts with ours supersedes, any previous departmental order, procedure, or directive to that extent conflicting or superseded order is canceled.

## SECTION 25

### NASHVILLE POLICE DEPARTMENT VICTIM'S RIGHTS

The purpose of this order is to establish our responsibilities to the victims of crimes we investigate pursuant to the Crime Victim Rights Act and amendments thereto.

#### 25.1 Definitions

**Crime:** A violation of penal law of this state for which the offender, upon conviction, may be punished by imprisonment for more than 1 year or an offense expressly designated by law as a felony.

**Defendant:** A person charged with or convicted of committing a crime against a victim.

**Juvenile:** A person within the jurisdiction of the Probate Court.

**Victim:** Means any of the following:

- A. An individual who suffers direct or threatened physical, financial, or emotional harm as a result of the commission of a crime, except as provided in subparagraph (2), (3), or (4).
- B. The following individuals other than the defendant if the victim is deceased:
  - 1. The spouse of the deceased victim.
  - 2. A child of the deceased victim if sub-subparagraph (a) does not apply.
  - 3. A parent of deceased victim if sub-subparagraphs (a) and (b) do not apply.
  - 4. The guardian or custodian of a child of a deceased victim if the child is less than 18 years old of age and sub-subparagraphs (a) to (c) do not apply.
  - 5. A sibling of the deceased victim if sub-subparagraphs (a) to (d) do not apply.
  - 6. A grandparent of the deceased victim if sub-subparagraphs (a) to (e) do not apply.
- C. A parent, guardian, or custodian of a victim who is less than 18 years of age and who is neither the defendant nor incarcerated, if the parent, guardian, or custodian so chooses.

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- D. A parent, guardian, or custodian of a victim who is mentally or emotionally unable to participate in the legal process if he or she is neither the defendant or incarcerated.

If a victim as defined above is physically or emotionally unable to exercise the privileges and rights under this article, the victim may designate his or her spouse, child 18 years of age or older, parent, sibling, grandparent, or any other person 18 years of age or older who is neither the defendant nor incarcerated to act in his or her place while the physical or emotional disability continues. The victim shall provide the prosecuting attorney with the name of the person who is to act in his or her place. During the physical or emotional disability, notices to be provided under this article to the victim shall continue to be sent only to the victim.

### 25.2 Description of Included Offenses covered in this section

Definition of offense includes felonies, 2-year misdemeanors and the following misdemeanors:

- A. Assault and battery.
- B. Assault with infliction of serious injury.
- C. Breaking and entering or illegal entry.
- D. Enticing a child for immoral purposes.
- E. Discharge of a firearm intentionally aimed at a person.
- F. Leaving the scene of a personal injury accident.
- G. Operating a vehicle while under the influence of or impaired by alcohol or a controlled substance, if the violation involves an accident resulting in injury or death to another person or damage to another person's property.
- H. Indecent exposure.
- I. Selling or furnishing alcoholic liquor to a minor, if the violation results in physical injury or death to any individual.
- J. Fourth-degree child abuse.
- K. Misdemeanor "stalking" offenses.
- L. Drunk-boating offenses resulting in death, injury, or damage to another person's property.

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- M. Selling or furnishing alcoholic liquor to a minor, if the violation results in physical injury or death to any individual.
- N. Covers enumerated offenses that are subsequently reduced to a lesser charge.
- O. Violation of a local ordinance corresponding to any of these offenses. Jailed inmates have limited rights.

### 25.3 Duties of Officers to Victims

- A. Within 24 hours after the initial contact between the victim of a reported crime and the law enforcement agency having the responsibility for investigating that crime, that agency shall give to the victim the following information in writing:
  - 1. The availability of emergency and medical services, if applicable.
  - 2. The availability of victim's compensation benefits and the address of the crime victim's compensation board.
  - 3. The address and telephone number of the prosecuting attorney whom the victim should contact to obtain information about victim's rights.
  - 4. The following statements:
    - a. "If you would like to be notified of an arrest in your case or the release of the person arrested, or both, you should call the Nashville Police Department (517) 852-9866 and inform them."
    - b. "If you are not notified of an arrest in your case, you may call this law enforcement agency at (517) 852-9866 and inform them."
    - c. "If you are not notified of an arrest in your case, you may call this law enforcement agency at (517) 852-9866 for the status of your case."
  - 5. Bond revocation procedure.
- B. Provide information regarding obtaining a personal protection order.
  - 1. The following statements should be made to the victim regarding filing of a personal protection order:

Your legal rights include the right to go to court and file a petition requesting a personal protection order to protect you or other members

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of your household from domestic abuse which could include restraining or enjoining the abuser from doing the following:

- a. Entering onto premises.
- b. Assaulting, attacking, beating, molesting, or wounding you.
- c. Threatening to kill or physically injure you or another person.
- d. Removing minor children from you, except as otherwise authorized by custody or parenting time order issued by a court of competent jurisdiction.
- e. Engaging in stalking behavior.
- f. Purchasing or possessing a firearm.
- g. Interfering with your efforts to remove your children or personal property from premises that are solely owned or leased by the abuser.
- h. Interfering with you at your place of employment or education or engaging in conduct that impairs your employment relationship or your employment or education environment.
- i. Engaging in any other specific act or conduct that imposes upon or interferes with your personal liberty or that causes a reasonable apprehension of violence.
- j. Having access to information in records concerning any minor child you have with the abuser that would inform the abuser about your address or telephone number, the child's address or telephone number, or your employment address.

Your legal rights also include the right to go to court and file a motion for an order to show cause and a hearing if the abuser is violating or has violated a personal protection order and has not been arrested.

- C. Return victim's property promptly, including photographing so evidence property can be returned.

### 25.4 Release of Victim Information

The release of victim's home and work addresses and telephone numbers is now more restricted. This information is not to be in court files. This information, and any pictures or visual representations of the victim are exempt from Freedom of Information Act (although it can be released to victim advocacy organizations or agencies for the purpose of providing victim services). MCL 780.758.

### 25.5 Preparing Incident Report

The investigating officer must place a statement in the incident report if the violation of the following offenses resulted in damage to another's property or physical injury or death to another:

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- A. Operating a vehicle while under the influence of or impaired by alcohol or a controlled substance, if the violation involves an accident resulting in injury or death to another person or damage to another person's property.
- B. Selling or furnishing alcoholic liquor to a minor, if the violation results in physical injury or death to any individual.
- C. Drunk-boating offenses resulting in death, injury, or damage to another person's property.

## SECTION 26

### NASHVILLE POLICE DEPARTMENT DOMESTIC VIOLENCE

#### 26.1 Purpose

Domestic violence is criminal behavior. This policy defines the department's commitment to and the officer's responsibility in responding to domestic violence. This is the result of a countywide task force and reflects requirements set forth in policy MCLA 764.15, 1994.

These orders are for Nashville Police Department use only, and do not apply to any criminal or civil proceedings. This policy should not be construed as a creation of a higher legal standard of safety or care in evidentiary sense with respect to third party claims. Violations of these orders will only form the basis of administrative sanctions. Violations of law will form the basis for criminal and civil sanctions in a recognized judicial setting.

#### 26.1 Goals

The goals of this department's domestic violence response policy are:

- A. To establish arrest as the preferred response to domestic violence.
- B. To protect victims of domestic violence and hold assailants accountable.
- C. To reduce assaults and homicides resulting from domestic situations.
- D. To reduce police callbacks, reduce injuries to officers and free officers for other responsibilities.

#### 26.2 Arrest

##### Arrest Policy

- A. The Barry County Prosecutor has authorized and expects an arrest of assailants in any and ALL of the following circumstances:
  - 1. Felony Committed in the officer's presence.
  - 2. Felony based on probable cause.
  - 3. Misdemeanor committed in the officer's presence;
  - 4. Warrant-less arrest for misdemeanor assaults. MCLA 764.15a grants an officer the authority to make a misdemeanor arrest without a

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warrant based upon reasonable cause for an individual who assaults or assaults and batters his or her spouse or former spouse, an individual with whom he or she has had a dating relationship, he or she has had a child in common, or a resident or former resident of his or her household, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00 or both.

5. Warrant-less arrest for violations of personal protection orders. MCLA 764.15b grants an officer the authority, without a warrant, to arrest a person for violation of a personal protection order when the personal protection order states on its face that a violation of its terms subjects the individual to immediate arrest and criminal contempt of court, the officer has reasonable cause to believe that all of the following exist:
  - a. The person named in the order is acting in violation of the order. A person is in violation of the order if that person commits one or more of the following acts specifically enumerated in the order to restrain or enjoin the person from:
    - i. Assaulting, attacking, beating, molesting, or wounding a named person.
    - ii. Removing minor children from an individual having legal custody of the children, in violation of custody or visitation orders issued by the court.
    - iii. Entering onto premises.
    - iv. Engaging in stalking conduct as prohibited by statute.
    - v. Threatening to kill or physically injure a named individual.
    - vi. Purchasing or possessing a firearm.
    - vii. Interfering with petitioner's efforts to remove petitioner's children or personal property from premises that are solely owned or leased by the individual to be restrained or enjoined.
    - viii. Any other act or conduct specified by the court in the personal protection order.
  - b. All personal protection orders must be entered into LEIN and verified via LEIN. Officers shall note on the LEIN entry and in enforcing any injunctive order, whether the issuing Circuit Court Judge has authorized or prohibited arrest for violations of such order.

A personal protection order is immediately enforced anywhere in the State of Michigan by any law enforcement officer.



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- c. Arrest procedure on personal protection orders:
  - i. If possible show the individual restrained or enjoined with a true copy of the orders if they have not been served or advise the individual of the existence of the personal protection order, the specific conduct enjoined, the penalty for violating the order and where they can obtain a copy.
  - ii. Give the individual the opportunity to comply if they have not previously been given notice.
  - iii. Failure to comply shall be grounds for immediate arrest.
  - iv. Advise LEIN operator to enter confirmation that the individual restrained or enjoined has received actual notice of the personal protection order.

### 6. Warrant-less arrest for violation of conditions release.

MCLA 764.15e grants an officer the authority to arrest without a warrant based upon reasonable cause to believe a suspect is violating or has violated a condition of release.

### 7. Violation of probation or parole based on probable cause.

### 8. This requirement is also applicable where there is a violation of local ordinance regarding the above.

## B. Probable Cause

1. The probable/reasonable cause standard applied to domestic violence crimes is no different than the standard applied to all other crimes. An officer's decision not to arrest should not be based solely on the absence of visible injury. The word of the victim alone, if believed, is sufficient grounds for establishing reasonable cause.

If doubt exists, officer should document in police report why statements are questioned.

2. When determining whether probable cause exists to believe that a crime has been committed an officer should not consider any of the following factors:
  - a. The marital status of the parties;
  - b. The lack of personal protection order;
  - c. The wishes or consent of either party concerning arrest or prosecution;

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- d. Assurances that the violence will stop;
  - e. Financial consequences of arrest;
  - f. The race, sex, religion, ethnic origin, social class, sexual orientation, education, or occupation of either party.
3. Dual arrests should be avoided where possible. Those acting in self-defense or in the defense of others shall not be subject to arrest. If both parties are mutually assaultive, dual arrests will be authorized providing clear detail of the aggressive nature of both parties is provided in the police report.
  4. Complaints of elder and abuse perpetrated by a minor shall be investigated as any other domestic violence complaint.

### 26.3 Response and Investigation

#### A. Officer Response

1. The responding officers will approach the scene as a criminal investigation. Officers should use appropriate precautionary procedures when approaching and entering the scene.
2. The officer will always conduct a thorough criminal investigation. This investigation will include interviewing all witnesses and collecting evidence of all possible crimes committed.
3. Officers should determine what crimes they have probable cause to believe were committed and who committed them.
4. Officers should utilize domestic violence training techniques such as separating and removing from the presence of the other, not leaving either party alone, checking for and securing available weapons, etc.
5. During the course of investigation, the officer should be cognizant of other possible violations and take appropriate action.
6. If the suspect has left the scene, reasonable attempts to locate and arrest the suspect should be made.
7. If the suspect cannot be located a warrant should be sought in accordance with departmental and prosecutorial policy.
8. Officers are required to provide domestic violence victims with referral information. This can be done by providing the victim with a completed "Crime Victim Assistance" referral card. This information must be provided whether or not an arrest was made (MCL 764.15C).

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9. If no arrest has been made, investigating officer should discuss safety plan, encourage the victim to contact police in the event the suspect returns.
10. The victim, as does any citizen, has the right to know, and can call the jail or lockup facility to determine if the suspect is still incarcerated, such information shall be provided.

### B. Report Writing

1. Officers shall prepare a written incident report whenever there is a domestic violence response.

When documenting a domestic violence response:

- a. The victim does not have to write a statement, although a statement should be offered, and at the very least the victim's verbal statement should be summarized in the police report.
  - b. The victim does not have to sign the report.
  - c. The officer will act as the complainant signing on information and belief with the authorization of the prosecutor.
2. The report shall contain, but is not limited to containing, all of the following:
    - a. The address, date, and time of the incident.
    - b. The victim's name, address, home and work telephone numbers, race, sex, and DOB.
    - c. The suspect's name, address, home and work telephone numbers, race, sex, DOB and information describing the suspect and whether a personal protection order covering the suspect exists.
    - d. The name, address, home and work telephone numbers, race, sex, DOB of any witness, including a child of the victim or suspect, and the relationship of the witness to the suspect or victim.
    - e. The report must contain the following information:
      - i. The name of the person who called the law enforcement agency.
      - ii. The relationship of the victim and suspect.
      - iii. Whether alcohol or controlled substance use was involved in the occurrence or incident, and by whom.
      - iv. A brief narrative describing the incident and the circumstances that led to it.

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- v. Whether and how many times the suspect physically assaulted the victim and a description of any weapon or object used.
    - vi. A description of all injuries sustained by the victim and an explanation of how the injuries were sustained.
    - vii. If the victim sought medical attention, information concerning where and how the victim was transported, whether the victim was admitted to a hospital or clinic and the name and telephone number of the attending physician.
    - viii. A description of any property damage reported by the victim or evidence at the scene.
  - f. A description of any previous incidents involving domestic violence between the victim and the suspect.
  - g. The date and time of the report and the name, badge number and signature of the officer completing the report.
3. The officer shall also complete the Supplemental Domestic Violence Incident Report form.
  - a. The law enforcement agency shall retain the completed domestic violence report in its files. The law enforcement agency shall also file a copy of the completed domestic violence report and supplemental form with the prosecuting attorney within 47 hours (PA 63 of 1994).
  - b. A prosecutor's "Warrant Request Form" need NOT be completed. The prosecutor shall use the face sheet and Supplemental Domestic Violence report form for information and warrant issuance.
4. If factors related to domestic are alleged, document the reasons for the probable cause determination made whether or not a crime has been committed or an arrest has been made.
5. Where probable cause existed and no arrest was made, a written incident report documenting the reasons no arrest was made must be prepared.
6. If the victim leaves the scene, the confidentiality of the victim's location shall be maintained.
7. All reports will be reviewed by administrative staff and assigned as appropriate for follow-up and/or for review by the prosecutor.

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### C. Bonding Policy

1. A person arrested for domestic violence without a warrant shall not be released on an interim bond.
  - a. The suspect shall be brought before the magistrate or judge for arraignment or bond posting, per the request of the District Court.
  - b. If after the twenty hours a magistrate is not available, the suspect can be released on an interim bond, following District Court bond schedules.
  - c. Violations involving personal physical violence on the protected person, or an immediate likelihood of physical violence, \$5,000.00, 10% bail bond or \$5,000 cash/surety bail bond.
  - d. All other violations shall be released on a \$500.00 Personal Recognizance bond and instructed to appear at the Circuit Court Clerk's Office to schedule arraignment the next business day.
2. A person arrested for violation of a personal protection order under the authority of MCLA 764.15b shall not be released on bond. The suspect shall be brought before the court in accordance with this policy.
  - a. The arrested person must be brought before the circuit court, which issued the order within 24 hours after the arrest.
  - b. The circuit court shall set a time for a hearing on the alleged violation and shall set bond. If a circuit court judge is not available within 24 hours after arrest, the arrested person shall be brought before the district court within 24 hours after arrest, at which time the district court shall order the defendant to appear before the circuit court for a hearing on the charge and shall set bond.

### 26.4 Implementation

- A. All police personnel shall be issued a copy of this policy and procedure. Supervisors will review this policy with their personnel, and as appropriate, an in-service training session will be provided on this specific policy and additional information relative to police officer handling of domestic disputes.
- B. Following department procedures, all domestic violence reports will be reviewed internally, for assignment of necessary follow-up and compliance with this policy.
  1. MCLA 764-15, 1994.

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2. The State of Michigan Model Policy: The Law Enforcement Response to Domestic Violence (revised Nov. 1994).
- C. This policy shall be reviewed annually or if statute or circumstances dictate otherwise.

## **SECTION 27**

### **NASHVILLE POLICE DEPARTMENT VEHICLE IMPOUND, ABANDONED VEHICLE, AND INVENTORY**

#### 27.1 Purpose

The purpose of this order is to establish guidelines for the impoundment of motor vehicles and the disposition of motor vehicles and their contents when such impoundment occurs.

These orders are for Nashville Police Department use only, and do not apply to any criminal or civil proceedings. This policy should not be construed as a creation of a higher legal standard of safety or care in evidentiary sense with respect to third party claims. Violations of these orders will only form the basis of administrative sanctions. Violations of law will form the basis for criminal and civil sanctions in a recognized judicial setting.

#### 27.2 Policy

The Nashville Police Department has an obligation to provide for the security of motor vehicles and their contents when they are taken out of the immediate control of their owners or operators. The Nashville Police Department also has an obligation to protect its officers and agents from accusations of theft or damages occurring to motor vehicles and/or its contents while held in impound. Therefore, it is the policy of this department that whenever an officer of the Nashville Police Department arrests or otherwise causes the owner and/or operator of a motor vehicle to be displaced from that vehicle, or when an officer impounds an unattended vehicle for whatever reason, that the officer will make a reasonable attempt to provide for the security of the vehicle and its contents by; 1) turning custody of the vehicle over to a responsible person of the owner and/or operators choosing or; 2) placing the vehicle and its contents in impound that the officer make an inventory of the vehicle and its contents and complete an inventory report on a form approved by this office.

#### 27.3 Procedure

- A. Vehicles may be impounded in the following situations:
1. When the operator is placed under full custody arrest for any reason.
  2. When the vehicle is reported as stolen.
  3. When the officer has probable cause to believe that the vehicle was used in the commission of a crime or that the vehicle is the fruit of criminal activity and subject to forfeiture proceedings.

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4. When the vehicle has been abandoned, and has been tagged as an abandoned vehicle for 48 hours.
5. When the vehicle has been left unattended or abandoned for any amount of time and is obstructing critical access to property by its position.
6. When the vehicle is parked on a public roadway and is an obstruction to snow removal or other critical maintenance activity.
7. When the vehicle is deemed by the officer to be unsafe for operation on a public roadway.
8. When the vehicle is found to be without a registration, improperly registered or titled, or operated without insurance.
9. When the vehicle is left unattended at the scene of a crime, crash, or accident.

### B. Abandoned Vehicle Impound Procedures

1. Run registration plate and VIN to determine if stolen.
2. Place a 48 hour abandoned vehicle sticker containing:
  - a. Date and time affixed;
  - b. Name of officer affixing notice;
  - c. Date and time vehicle will be towed if not removed;
  - d. Year, make, and VIN of vehicle;
  - e. Department complaint number.
3. If vehicle creates a hazard, is completely blocking an entrance and/or exit, or blocks a fire lane, it can be towed immediately.
4. Before the vehicle is towed, a "Vehicle Inventory Form" must be filled out completely, including the VIN of the vehicle.
5. After being towed, the vehicle must be entered into LEIN as an abandoned/impounded vehicle and the LEIN traffic noted and attached to the report along with the inventory sheet.

- C. On public property a Barry County towing service will be contacted through Barry County Central Dispatch at the officer's request, or owner's request if reasonable.



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- D. If a Barry County towing service has already towed the vehicle to their lot from a Barry County location, the sticker must then be placed on the vehicle and the abandoned vehicle process started.
- E. After impound/abandoned vehicle procedure the Administration will insure that:
  - 1. A re-check is made to see if the vehicle is stolen;
  - 2. Ensure that the vehicle had been entered into LEIN;
  - 3. When the vehicle has been returned, sold or scrapped, advise Barry County Central Dispatch to remove the vehicle from LEIN.

## **SECTION 28**

### **NASHVILLE POLICE DEPARTMENT VEHICLE USE POLICY**

#### **28.1 Purpose**

The purpose of this order is to assist members in understanding the philosophy of the Nashville Police Department's Office as it relates to the use and maintenance of village-owned vehicles. This policy also provides guidance on the appropriate procedures for obtaining service and repairs, as well as reporting vehicle-related incidents.

These orders are for department use only, and do not apply to any criminal or civil proceedings. The department policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this order will only form the basis of department administrative sanctions. Violations of law will form the basis for criminal and civil sanctions in a recognized judiciary setting.

#### **28.2 Definitions**

**Vehicles:** Vehicles are defined as: all cars, trucks, trailers, boats, snowmobiles, and ORV's owned and operated by Nashville Police Department personnel.

**Unusual Incident(s):** Unusual incidents are defined as events that result in: 1) Any damage, no matter how slight, to city-owned vehicles or to any private or public property or 2) A bill or charge for towing or road service.

#### **28.3 Policy**

Our vehicles are resources that the community has entrusted us with so that we might accomplish our stated mission. These vehicles are not provided to employees as a fringe benefit or as a form of compensation.

Since these vehicles (especially marked patrol vehicles) are highly visible symbols of the power that the community has entrusted us with, any misuse of these vehicles impinges the integrity of the office of Chief and the law enforcement community as a whole.

Since we hold this power and these resources in trust, the community has a right to certain expectations concerning these vehicles.

Therefore, it is the policy of the Nashville Police Department's office that:

1. That these vehicles will be used only for official business.

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2. That these resources will be well managed and cared for.
3. That the vehicles will be operated lawfully, and in a manner that sets a good example for the rest of the community.

### 28.4 Rules

In keeping with this philosophy, the Nashville Police Department's office has established the following rules and regulations concerning the use of department vehicles:

#### A. Compliance with Michigan Motor Vehicle Code:

Village-owned vehicles must be operated in compliance with all provisions of the Michigan Motor Vehicle Code. This includes, but is not limited to:

1. Compliance with seat-belt laws.
2. Compliance with speed limits.
3. Compliance with traffic signals and traffic control devices.

Exceptions: When responding to emergencies, or involved in the pursuit of traffic violators and other suspected criminals, employees may exceed the speed limit and/or disobey traffic control signals and devices. Employees should consult Section 257.603 of the Michigan Motor Vehicle Code and the Nashville Police Department's Office Vehicular Pursuit Policy 1-09 for additional guidance on emergency and pursuit operations.

#### B. No smoking rule:

Employees shall not smoke in any village-owned vehicle, nor shall they allow any passenger to smoke in any village-owned vehicle.

#### C. Use of alcohol:

Employees shall not operate village-owned vehicles when visibly impaired by the consumption of alcohol or controlled substances. An employee shall not consume alcoholic beverages while operating any village-owned vehicle, nor shall they allow any passenger to consume alcoholic beverages in any village-owned vehicle that the employee is operating.

#### D. Prescription Drugs:

Employees who are taking prescription drugs under the direction of a physician must consult with their doctor or pharmacist before operating any

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village-owned motor vehicle. If the employee's doctor or pharmacist advises against the operation of motor vehicles during the course of the drug therapy, the employee shall provide his or her immediate supervisor with documentation from the doctor or pharmacist detailing the limitation. If that employee's job requires that they operate village-owned vehicles, the employee may take PTO time or be placed on light duty or disability status at the direction of the Chief or his/her designee.

### E. Reporting of Unusual Incidents:

Whenever any employee is involved in any unusual incident, that employee shall, as soon as practical, contact the Police Chief.

If the unusual incident is a traffic crash, the member shall, whenever possible, remain at the scene until such time as the Police Chief or police officer from another department can arrive at the scene to conduct an investigation. Employee's shall cooperate fully with any such investigation.

Following any unusual incident, the employee will complete a Nashville Police Department Incident Report Form and forward it to the Chief of Police.

## 28.5 Vehicle Repair and Maintenance – Patrol Vehicles

### Responsibility:

- A. The employee has a responsibility to ensure that the vehicle is properly serviced and maintained, both mechanically and cosmetically.
- B. Checking Fluids and Tire Pressure: employees shall monitor and maintain the vehicles fluid levels and tire pressure regularly.
- C. Cleaning: employees shall attempt to keep the interior and exterior of the vehicle as clean as possible.
- D. Regular Service: employees shall monitor the mileage of their assigned vehicles and advise the Police Chief to make appointments with the approved mechanic to ensure that the vehicle receives service within the designated service interval (usually every 5,000 miles.)
- E. Irregular Service and Repairs: Whenever an employee operates or inspects a vehicle and notes that the vehicle needs any type of repair or service, that employee will:
  - 1. Leave the Chief a voicemail and note the issue on vehicle on dry erase board.

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2. If the vehicle breaks down on the road, the employee shall contact the Police Chief who will determine if and/or where the vehicle needs to be towed.

### 28.6 Vehicle Use

- A. **On Duty:** Use of Nashville Police Department's vehicles will be limited to official business. Any personnel use of a village-owned vehicle while on-duty must be incidental to official village business.
- B. **Off Duty:** Use of vehicles while off-duty will be limited to those instances where that use contributes directly to the department's mission. Any personal use of a village-owned vehicle while off-duty must be incidental to officially village business. In exigent circumstances, the Chief of Police may authorize personal use of a village-owned vehicle while off-duty.

### 28.7 Ride-along Program

- A. **Purpose**  
To define procedures for allowing student interns or citizens to accompany police officers during their regular patrol activities.
- B. **Application Procedure/Waiver of Liability Form**  
All prospective participants of the program must be at least 18 years of age and must have completed the Ride-Along Program application form and consent to a file and criminal history check.
- C. **Command Approval**  
Before an applicant may participate, the Chief of Police or designee must approve the applicant.
  1. The application may be denied at any time without cause.
  2. The Chief or Officer on duty may deny or end participation in the Ride at any time.
- D. **Rules**
  1. The participant will be under the control of the Officer to whom he/she is assigned.
  2. The participant must obey all lawful orders and directions from the Officer.
  3. The assigned Officer may be required to complete evaluation forms regarding the participant.

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4. The participant will be assigned to sworn Officers only who are willing to take part in the Ride-Along Program.
5. The participant should not be exposed to any inherently dangerous situation. He/she shall not become involved in any physical altercation unless specifically requested by the Officer and to ensure officers safety.
6. The Officer shall not become involved in a pursuit situation either as primary or secondary vehicle with any civilian passenger.
7. If a potentially dangerous situation is anticipated, the participant will be dropped at a safe location and dispatch notified of the location.
8. If at any time the conduct of a participant is deemed unprofessional or improper; the Officer may terminate the Ride-Along and report the behavior to the Chief of Police.
9. In no way shall a participant's behavior be detrimental to the operation of the Police Department or the municipality.
10. During traffic stops, participants shall remain seated inside the patrol unit unless instructed otherwise by the Officer.
11. Participants shall not carry weapons unless they are certified law enforcement officers and have the approval of the Chief of Police.
12. Participants shall dress as deemed appropriate by Chief of Police, or designee.

## **SECTION 29**

### **NASHVILLE POLICE DEPARTMENT VEHICULAR PURSUIT**

#### 29.1 Purpose

The purpose of this policy is to state guidelines to be followed during vehicular pursuit.

These orders are for Nashville Police Department use only, and do not apply to any criminal or civil proceedings. This policy should not be construed as a creation of a higher legal standard of safety or care in evidentiary sense with respect to third party claims. Violations of these orders will only form the basis of administrative sanctions. Violations of law will form the basis for criminal and civil sanctions in a recognized judicial setting.

#### 29.2 Policy

Vehicular pursuit of fleeing suspects presents a danger to the lives of the public, officers and suspects involved in the pursuit. It is the policy of the Nashville Police Department to protect all persons' lives to the extent possible when enforcing the law. In addition, it is the responsibility of the Nashville Police Department to assist officers in the safe performance of their duties. To effect these obligations, it shall be the policy of this office to narrowly regulate the manner in which vehicular pursuit is undertaken and performed.

Totally encompassing guidelines cannot be established to cover all types and circumstances of emergency and pursuit driving. However, officers involved in vehicular pursuits will be held accountable for their decisions made during the pursuit and must constantly strive to use good judgment and observe for the unexpected variables that spontaneously occur.

#### 29.3 Definitions

**Vehicular Pursuit:** An active attempt by an officer in an authorized emergency vehicle to apprehend fleeing suspects who are attempting to avoid apprehension through evasive tactics.

#### 29.4 Procedures

##### Initiation of Pursuit

- A. The decision of initiate pursuit must be based on the pursuing officer's conclusion that the immediate danger to the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.

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- B. Vehicle pursuit shall only be initiated by department personnel in a fully marked police vehicle with all emergency lights and sirens activated.
- C. The officer shall consider the following factors in determining whether to initiate pursuit:
  - 1. Nature of the violation.
  - 2. Presence of pedestrians and traffic conditions.
  - 3. Population density in the area.
  - 4. Roads and weather conditions.
  - 5. Familiarity with the area.
  - 6. Patrol car capability and condition including the presence or absence of audio and visual warning devices.
  - 7. Familiarity with the violator, i.e., knowledge of his or her identity.
  - 8. If non-department personnel are passengers, or a person is in custody in the patrol vehicle, a pursuit shall not be initiated except in those instances where the passenger has signed a waiver of liability or in an extreme case.

### Pursuit Officer Responsibilities

- A. The pursuing officer shall immediately notify Central Dispatch personnel that a pursuit is underway. The officer shall provide dispatch personnel with the following information:
  - 1. Reason for pursuit.
  - 2. Present location and direction of pursuit.
  - 3. Description of vehicle being pursued, including the license plate number, if known.
  - 4. Description and number of occupants.
- B. The secondary pursuit unit shall assist the primary unit in the apprehension of the fleeing vehicle. When necessary, the secondary unit shall also be available to carry or to continue the pursuit if the primary unit is unable to continue the pursuit, experiences an equipment failure, etc.



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1. The secondary pursuit unit shall notify their primary dispatched upon joining the pursuit.
  2. The secondary unit shall not pass the primary unit unless requested to do so.
- C. Under normal conditions, or unless specifically requested by the occupants in the primary pursuit vehicle, pursuits shall only involve the primary and secondary pursuit units.
- D. A caravan of police vehicles shall be avoided, as it increases the risk of serious crashes and contributes little to the apprehension of the violator.
- E. When a marked unit becomes available to take over a pursuit initiated by a slick top unit, the slick top unit shall withdraw from the primary pursuit position and assume the secondary pursuit unit's responsibilities.

### Roadblocks

The use of roadblocks can be effective means of apprehending a fleeing violator; however, creating a roadblock is potentially dangerous to the violator, department members, and the general public. Therefore, roadblocks shall only be established when authorized by a shift supervisor or higher authority and according to the following guidelines:

- A. Under no circumstances shall an intentional collision be justified in the apprehension of persons for a civil infraction or misdemeanor charge, or fleeing from that charge.
- B. Intentional collisions may be justified when use of deadly force would be authorized under "Use of Deadly Force". Any use of intentional collisions must have the prior authorization of the shift supervisor or higher authority.

### Stop Sticks

- A. The use of stop sticks is not considered as an application of deadly force, in that they produce a slow controlled deflation of the pursued vehicle's tires, which will not cause the vehicle to lose control.
- B. Stop sticks may be deployed at the marked site of a roadblock or covertly in the path of a fleeing vehicle.
- C. Stop sticks may be deployed in any pursuit except the following:

Stop sticks shall not be deployed on pursuits involving motorcycles, three-wheeled vehicles, or all-terrain vehicles.

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- D. An officer deploying stop sticks shall notify all pursuing officers of the intended deployment and the location of the intended deployment.
- E. Any time that stop sticks are deployed and stuck a stop stick pursuit reporting form shall be completed and attached to the corresponding report.

### Termination of Pursuit

- A. A decision to terminate pursuit may be the most rational means of preserving the lives and property of both the public and the officers and suspects engaged in pursuit. The pursuing officer, field supervisor or higher authority of the NPD may terminate any pursuit.
- B. Pursuit shall be immediately terminated in any of the following circumstances:
  - 1. Weather or traffic conditions substantially increase the danger of pursuit beyond the worth of apprehending the suspect;
  - 2. The distance between the pursuit and fleeing vehicles is so great that further pursuit is futile; or
  - 3. A pursuit should be terminated at any time when the level of danger created by the pursuit outweighs the necessity of immediate apprehension.
- C. The pursuing officer shall relay this information to dispatch personnel, along with any further information acquired which may assist in an arrest at a later date.

### Field Supervisor's Responsibilities during Vehicular Pursuit

- A. Upon notification that a vehicular pursuit incident is in progress, the field supervisor shall assume responsibility for the monitoring and control of the pursuit as it progresses.
- B. The field supervisor shall continuously review the incoming data to determine whether the pursuit should be continued or terminated.
- C. In controlling the pursuit incident, the field supervisor shall be responsible for coordination of the pursuit as follows:
  - 1. Directing pursuit vehicles units into or out of the pursuit;
  - 2. Redesigning of primary, support or other backup vehicle responsibilities;

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3. Approval or disapproval, and coordination of pursuit tactics; and
  4. Approval or disapproval to leave jurisdiction to continue pursuit.
- D. The field supervisor may approve and assign additional backup vehicles to assist the primary and backup pursuit vehicles based on an analysis of:
1. The nature of the offense for which pursuit was initiated;
  2. The number of suspects and any known propensity for violence;
  3. The number of officers in the pursuit vehicles;
  4. Any damage or injuries to the assigned primary and backup vehicle or officers;
  5. The number of officer necessary to make an arrest at the conclusion of the pursuit; and
  6. Any other facts that would warrant the increased hazards cause by numerous pursuit vehicles.

### Traffic Regulations During Pursuit

- A. Each unit authorized to engage in vehicular pursuit shall be required to activate all emergency vehicle equipment prior to beginning pursuit.
- B. Officers engaged in pursuit shall, at all times, drive in a manner exercising reasonable care for the safety of themselves and all other persons and property within the pursuit area.
- C. Officers are permitted to suspend conformance with normal traffic regulations during pursuit as long as reasonable care is used when driving in a manner not otherwise permitted, and the maneuver is reasonably necessary to gain control of the suspect(s).

### Inter-jurisdictional Pursuits

- A. The pursuing officer shall notify dispatch when it is likely that a pursuit will continue into a neighboring jurisdiction.
- B. Pursuit into a bordering county shall be authorized through the field supervisor.

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### Assist to Other Departments

- A. Only the shift supervisor may authorize request for assistance from other departments in conducting pursuits.
- B. Officers are authorized to assist other departments in pursuits only as follows:
  - 1. Officers will act as backup units only, unless the primary pursuing unit becomes disabled, in which case a unit from the Nashville Police Department may take over the primary pursuit role.
  - 2. Before becoming involved in any pursuit initiated by any other agency, the officer must be certain that the reason for the pursuit is authorized under the Nashville Police Department's policy.
  - 3. Officers of the Nashville Police Department may assist other agencies by setting up roadblocks and barricades only when such tactics are in accordance with an authorized under this policy.
  - 4. Officer of the Nashville Police Department will disengage and terminate any such assistance at the point at which the pursuit would no longer be justified under this Officer's pursuit policy.
  - 5. The field supervisor may terminate any such assistance at any time.

### Reporting of Pursuit-related Crashes

- A. Any time that any vehicle is involved in a pursuit-related crash, the field supervisor shall immediately be contacted. This shall include any emergency vehicle, suspect vehicle, or civilian vehicle involved in an accident that is directly related to an active pursuit.
- B. A department accident investigator shall be contacted and review the accident information and decide whether or not on scene investigation is necessary.
- C. In the case of a serious injury or fatal crash, the shift supervisor shall also contact an outside agency to start an independent investigation of the crash.

## SECTION 30

### NASHVILLE POLICE DEPARTMENT OWI PROCEDURES

#### 30.1 Purpose

The purpose of this order is to establish procedures for an OWI, arrest made by officers of this department.

#### 30.2 Policy

It is the policy of this department to strictly enforce the laws of this state as they pertain to OWI offenders. In keeping with this policy, officers of this department must become knowledgeable with the provisions of these laws, and comply with their requirements.

#### 30.3 Procedure

Officers will note the following procedure:

##### A. Confiscation of Driver's License

Officers will confiscate and destroy the Michigan Photo driver's license by cutting off the upper right hand corner. This confiscation will occur whenever a person is arrested for OWI, when any of the following circumstances exist:

1. The subject submits to a chemical test at the request of the law enforcement officer, and registers a BAC of .08 or more.
2. The subject refuses to take a chemical test at the request of the law enforcement officer.
3. The subject submits to a chemical test at the request of the law enforcement officer and the results are pending analysis. The license will be held by this office, and will not be destroyed unless the results, when received, are .08 BAC or more. If the result is less than .08 BAC, the license will be returned to the subject by first class mail to the address given at the time of the arrest.

##### B. Driving Permit Issuing

Whenever an officer confiscates the driver's license, of an OWI subject, the officers will issue the subject a driving permit, unless that subject's driver's license is currently suspended, revoked, or denied.

##### C. Notify the Secretary of State

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It is the responsibility of the arresting officer to ensure that the Secretary of State is notified via LEIN that the subject's license was taken and that a permit was issued. This notification must take place before the arresting officer goes off duty.

### D. Forms Required

#### DI-177: Has Submitted to Chemical Test

1. DI-177 for use when subject HAS SUBMITTED to a Chemical Test
  - a. Arresting officer fills out form after completion of test.
  - b. Take or fax pink copies of form to Central Dispatch and have information entered into LEIN. The arresting officer before going off duty must do this personally. Make sure to log the LEIN confirmation number on top of the form.
2. DI-93: Has Refused Chemical Test
  - a. DI-93, for use when the subject HAS REFUSED to submit to a Chemical Test.
  - b. Complete the DI-93 form.
  - c. Give the top two, (white) copies to the arrested subject.
  - d. Take or fax the bottom two, (pink) copies to Central Dispatch to have the information entered into LEIN.

### E. Lost Driving Permits

1. If a subject loses a driving permit the subject must return to the issuing agency in order to obtain a replacement.
2. Issuing agency must fill out duplicate form using the information from the original form.

## **SECTION 31**

### **NASHVILLE POLICE DEPARTMENT BLOODBORNE PATHOGENS EXPOSURE**

#### 31.1 Purpose

It is the intent of this policy to provide training, educate, and establish guidelines and procedures for the employee to reduce the risk associated with exposure to blood and/or body fluids. This policy applies to all Nashville Police Department personnel that may come in contact with blood or other potentially infectious materials in the performance of their duty, namely; all worn officers, office personnel and custodians.

These orders are for Nashville Police Department use only, and do not apply to any criminal or civil proceedings. This policy should not be construed as a creation of a higher legal standard of safety or care in evidentiary sense with respect to third party claims. Violations of these orders will only form the basis of administrative sanctions. Violations of law will for the basis for criminal and civil sanctions in a recognized judicial setting.

#### 31.2 Policy

It is the policy of the Nashville Police Department to safeguard, to the highest degree possible. The Nashville Police Department employees and the public who come in contact with people who are known to have, or are suspected of having communicable disease without sacrificing essential services to the community or individual citizens.

#### 31.3 Discussion

Public Safety personnel routinely come into contact with members of the public. At some point police officers will come in contact with a person who has an infectious disease such as (HIV), Hepatitis or other infectious diseases. Although there are no reported instances here officers have contracted HIV as a result of duty-related incident, cases have been documented where the HIV virus has been transmitted to health care workers. These instances have been the result of handling blood samples with ungloved hands (particularly where skin disorders have left broken skin), splashing of contaminated blood into the mouth or nose, or piercing the skin with a contaminated needle.

Blood borne Pathogens means pathogenic microorganisms are present in human blood and can cause disease in humans. These pathogens include but are not limited to Hepatitis B (HBV), and Human Immunodeficiency Virus.

HIV is a serious infectious disease of viral etiology. It appears to be cause by one or more viruses called human T lymphotropic virus type III (HTLV-III and HTLV-IV).

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If any employee declines the vaccination, it is mandatory that he or she sign a Hepatitis B vaccine declination. However, if at a later date the employee decides to be vaccinated, he or she will receive the inoculations at the employer's expense.

Vaccinations will be administered by a Licensed Medical Professional.

### 31.4 Record Keeping

An accurate medical record will be kept in a confidential file for each employee with an occupational exposure. This record will contain all necessary information as required by the Standard.

Medical records will be kept confidential and not disclosed or reported without the employees express written consent to any person within or outside the work place except as required by this Standard or by Law.

Medical records will be maintained for the duration of employment plus 30 years as required by the Standard.

### 31.5 Protective Equipment

- A. Disposable gloves.
- B. Plastic storage tubes (for syringes).
- C. Protective mask.
- D. Antiseptic towelettes.
- E. Red disposable bag for contaminated items.
- F. Eye Protection.
- G. Shoe covers.
- H. Micro shield (for CPR).
- I. Crown.

Personnel should use the above protective equipment to help alleviate the possibility of any type of exposure. It is mandatory that personnel, at a minimum, wear disposable gloves when responding to a situation where there is a probability of exposure to human body fluids.

Additional quantities of protective equipment will be available by request.



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### 31.6 Exposure

- A. An exposure occurs when a person's blood or any body fluids transfer to another person's blood stream. This can occur in three ways:
  - 1. Needle sticks (e.g. accidental needle stick while searching people or places).
  - 2. Through human bites or through openings in the skin (e.g. cuts, sores, abrasions, etc.)
  - 3. Splashes into the eyes, nose or mouth.

Examples of fluids include blood, saliva, tears, semen, vomit, urine, and stool.

- C. The mere handling of a victim does not constitute an exposure. For an actual exposure to occur, at least one of the above conditions must be met.

### 31.7 Reporting

An employee who believes that they have been exposed to an infectious disease:

- A. Shall thoroughly wash the area with soap and hot water, if direct personal contact was made.
- B. Shall gather information about the person involved (keeping in mind confidentiality). Information collected by the employee shall include name, date of birth, any medical information legally available, where the person is now, and what has led the employee to believe the person has an infectious disease. This information may not be disclosed under the Freedom of Information Act.
- C. Shall contact their supervisor immediately.
- D. A general case report, as well as, an incident report shall be immediately completed and forwarded to the Chief.
  - 1. The supervisor may contact an area hospital emergency room if necessary. Advise the doctor of all the facts about the exposure and follow the doctors instructions, or;
  - 2. The supervisor may contact the Barry-Eaton County Public Health Department advising the staff of all the facts about the exposure and follow a doctor's instructions.

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### 31.8 Blood Test for Suspects

When a supervisor has been notified that an employee believes that they have been exposed to a communicable disease, the supervisor may ask the suspected carrier to voluntarily submit a blood test. The test shall be administered by medical personnel.

### 31.9 General Precautions

The following precautions should be observed:

- A. Use of resuscitator mask when performing mouth-to-mouth resuscitation or CPR.
- B. Disposable surgical gloves shall be worn when handling blood or other body fluids, regardless of whether such fluids are wet or dry.
- C. Make it a practice to bandage open wounds or cuts on hands to avoid direct contact with contaminated body fluids. Bandages should be changed if they become wet or soiled.
- D. Use care when conducting searches of suspects or vehicles. Never blindly place hands in areas where there may be sharp objects that could puncture the skin.
- E. Employees who have been diagnosed as having leukemia or other forms of cancer, or who are taking medicine which suppresses the immune system should not enter areas where there are body fluids present or have contact with persons who have an infectious disease.
- F. Information in records (e.g. test results) regarding an employee or arrestee with AIDS or other communicable disease is confidential. Access to such information except as required by law must not be made unless the express written consent of the person is obtained.

### 31.10 Custody Procedures

- A. Persons of high-risk groups, including homosexual, intravenous drug users, prostitutes, and others should be treated with caution. Where violence or an altercation is likely, protective disposable gloves should be worn. Extreme caution must also be used when reaching into areas such as under car seats that are not visible.
- B. After the completion of the task or search where protective disposable gloves were utilized, they should be removed with caution, placed in a plastic bag and securely sealed. Upon returning to the station, the officer shall place the sealed bag into a designated "CONTAMINATED ITEM RECEPTACLE".

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- C. Whenever it is necessary to transport a subject known to have an infectious disease who has blood or bodily fluids present on this person or clothing, a supervisor shall be notified.
- D. Subjects known to have an infectious disease with blood or bodily fluids present on their persons should be transported separately from other subjects when practical.
- E. Officers have an obligation to inform other support personnel (fire fighters, paramedic, other police officers and correction officers) whenever transfer of custody occurs and the subject has blood or bodily fluids present on their person, or if the subject has made a voluntary statement that they have a contagious disease.
- F. Officers should indicate in their report when a subject taken into custody makes a voluntary statement that they have an infectious disease. Additionally, notation shall be made when that subject had blood or bodily fluids visibly present on their person or clothing.

### 31.11 Detention

- A. If a person is discovered to have an infectious disease during the course of custody, the shift supervisor will be notified immediately.
- B. The supervisor will notify the correction supervisor of the inmate's condition.
- C. If the inmate's clothing is contaminated with bodily fluids the officer shall:
  - 1. Protect the interior of the patrol unit by covering the back seat with a blanket or by wrapping the inmate with a blanket.
  - 2. Notify booking personnel that the inmates clothing is contaminated.
  - 3. After the inmate is transported, inspect the interior of the patrol unit for contamination.

### 31.12 Evidence Handling

- A. Evidence containing suspected blood or other bodily fluids should be handled with disposable gloves. If the stain or sample is dry, the evidence should be placed in a paper bag. A proper evidence tag, evidence processing request, and a biohazard label should be affixed to the outside of the package. If the evidence consists of a syringe needle, the needle should be made safe by placing it in a protective plastic tube. Special precautions should be taken when bodily fluids are present including: A proper evidence tag.

## SECTION 32

### NASHVILLE POLICE DEPARTMENT AUDIO/VISUAL RECORDING OF CUSTODIAL INTERROGATIONS

#### 32.1 Purpose

Establish procedures for recording custodial interrogations.

#### 32.2 Policy

- A. Custodial interrogations of any person suspected of a crime identified in this policy are to be recorded.
- B. Officers may electronically record interviews/interrogations in other incidents or situations. (or insert the department practice).

#### 32.3 Definitions

- A. Custody: A custodial situation exists when an officer tells a person they are under arrest or when a “reasonable person” would feel that, under the circumstances, they are not free to leave.
- B. Interrogation: Questioning in a criminal investigation that may elicit a self-incriminating response from an individual and includes a law enforcement official’s words or actions that the law enforcements official should know are reasonably likely to elicit a self-incriminating response from the individual.
- C. Interview: Any consensual contact, in the absence of reasonable suspicion or probable cause, for gathering information about a matter under investigation and the person is free to leave at any time and is not required to produce identification or answer any questions.

#### 32.4 Procedure

- A. A recording shall be made of any custodial interrogation conducted by an officer of this agency when the interrogation is related to:
  - 1. Major felony means a felony punishable by imprisonment for life, for life or any terms of years, or for a statutory maximum of 20 years or more.
  - 2. Criminal Sexual Conduct in the Third Degree, MCL 750.520d.
  - 3. When directed by the Chief.

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- B. The recording may be made with any department authorized audio or audio/visual recording device that is available to the officer at the time of the custodial interrogation.
  - 1. A law enforcement official interrogating an individual in custodial detention regarding the individual's involvement in the commission of a major felony shall make a time-stamped, audiovisual recording of the entire interrogation.
  - 2. All officers are responsible for being familiar with the operating requirements of the equipment they are using.
- C. The following are exceptions to the recording procedure. Should one of these exemptions occur during an investigation, an explanation shall be included in the report why the recordings were not made.
  - 1. When recording the interrogation is not feasible due to urgent circumstances that necessitate rapid action.
  - 2. Statements made in response to routine questions at the time of arrest or processing.
  - 3. Spontaneous utterances not made during interrogations.
  - 4. Statements made during interrogation of a less serious crime.
- D. In a patrol vehicle equipped with an audio/visual recorder, both the audio and visual recording equipment shall be activated throughout the entire interrogation. When capable, the visual recording device is to be positioned to capture the image of the person being interrogated. Care should be taken to ensure the audio is properly positioned to clearly capture the entire conversation.
- E. Miranda Warnings given during the interrogation shall be part of the recording.
- F. Officers should be alert to and address any Limited English Proficiency and/or hearing/vision impairments.

### 32.5 Officers Will Obtain Recorded Documentation of the Following:

- A. During the period of an in-custody interrogation, officers shall attend to the basic needs of the person being interrogated that may include food, beverages and/or other basic human comforts.

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- B. Officers will inquire if the person is under a doctor's care for any illness or disorder.
- C. Officers will inquire if the person is taking any medication, illegal drugs or is under the influence of alcohol, how long ago they last consumed it and, in the case of prescribed medication, when the next time they should have it. If needed, the officer shall arrange to get the medication.
- D. For the purposes of documentation on the recording and at the appropriated time before, during and at the completion of the interrogation, officers will make the following declarations:
  - 1. The time and date the recordings began and identities of those present
  - 2. The start time of the interrogation and concurrence by the suspect the interrogation has begun
  - 3. A statement, made by either the suspect or the interrogating officer, documenting any objection raised by the suspect of having their interrogation recorded
  - 4. Administration of Miranda- regardless of whether or not this is a follow-up to a previous interview or the suspect was previously Mirandized
  - 5. Declare the time and reason anytime the recording is to stop
  - 6. Declare the time the recording resumes and the break has ended
  - 7. Declare the time the interrogation ends and the recording is terminated

All declarations will also be documented in the police report, including attachment of any written and signed statement by the suspect objecting to the recording of the interrogation.

- E. Upon completion of the interrogation, the recording will be labeled as the original and secured as evidence. A duplicate copy of the interrogation recording will be made; labeled as a certified copy, and retained as a department record.

### 32.6 Department Use And/Or Release Of Audio/Visual Recordings

- A. The department retains all property rights, including copyright, to all images recorded by or on behalf of the department, including released copies.

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- B. Duplication or release of department audio/visual recordings is prohibited without the authorization of the Chief.
- C. Use of audio/visual recordings is intended only for official departmental business. Any other use is expressly prohibited without the authorization of the Chief.
- D. All recordings, while in the performance of an employees duties or on departmental audio/visual equipment shall remain the property of the department and in their original state and shall not be duplicated, altered, transmitted or erased except as covered by this policy.
- E. The preview of recordings is for official department business. Officers shall not allow anyone other than authorized employees of the department to view recordings produced in the performance of their duties or by a departmental recorded except when authorized by the Chief.
- F. Requests to preview a recording by a defendant, defense attorney, suspect, or member of the public shall be treated as a Freedom of Information Act request.
- G. Original recordings will not be released. The exception of this practice is an original recording that is evidence and is being released to the court.
- H. A record shall be kept by the Chief, documenting the release and return from secured storage. The record is to contain the following information of all media:
  - 1. Identification of the recording released
  - 2. Name of person authorizing and releasing the recording
  - 3. Reason for release
  - 4. Name of person to whom the media is released
  - 5. Date and time of release/return of the media, and
  - 6. The name of officer releasing/receiving the media
- I. Any media and/or segment released outside the department shall be appropriately identified as property of the department. The recording and/or segment shall be labeled as to its contents including date and time of recording. These recordings shall remain the property of the department. They shall be returned to the department as soon as it is practical after the completion of the official business.

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- J. Any recording or image made, no matter what the method or electronic device used, by an employee of this department while in the performance of their duties or in association with their employment, is considered as an official record of the department. Any theft, misuse, intentional misplacement or destruction, alteration, sabotage of any official record or electronic device is prohibited. The distribution or editing of any official record without the consent of the Chief will be subject to disciplinary action up to and including discharge and criminal prosecution.

### 32.7 Compliance

Violations of this policy, or portions thereof, may result in disciplinary action.

#### 32.7.1 Officers Assigned To Other Agencies

Officers of this department assigned to or assisting other law enforcement agencies will be guided by this policy.

### 32.8 Application

This order constitutes department policy, and is not intended to enlarge the employer's or employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims insofar as the employer's or employee's legal duty as imposed by law.

### 32.9 Addendum of Crimes for IV, A(1) (Current March 2013)

750.83 100 Assault with intent to murder

750.91 102 Attempted murder

750.316 103 First Degree murder

750.317 Second Degree murder

750.157 b (2) Solicitation of murder

750.520(b) 105 Criminal Sexual Conduct (CSC) first degree

750.529 106 Robbery, armed

750.529(a) 108 Car Jacking

750.349 109 Kidnapping

750.350 Kidnapping-Child endangerment

750.85 Torture

750.72 111 Arson of a dwelling

750.83 Assault with intent to murder

750.86 112 Assault with intent to maim

750.81 d (4) Assaulting, resisting, or obstructing certain persons causing death

750.90 a Assault against a pregnant individual causing miscarriage/stillbirth with intent or recklessness

750.89 Assault with intent to commit armed robbery



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- 750.479 (5) Assaulting or obstructing certain officials causing death
- 750.511 Blocking or wrecking railroad track
- 750.531 150 Robbery of a bank, safe or vault
- 750.186a 151 Escape from any juvenile facility
- 333.7401(2)(a)(i) 152 Violation of the controlled substance act > 1000 Grams
- 333.7403(2)(a)(i) 153 Violation of the controlled substance act > 100 Grams
- 750.89 154 Assault w/ intent to commit armed robbery
- 750.84 155 Assault w/ intent to do great bodily harm w/ dangerous weapon
- 750.110(a)(2) 150 Home invasion I w/ dangerous weapon
- 750.136 c Buying or selling an individual
- 472.21 Causing derailment/endangering life-person engaging in work of/traveling by streetcar/tram/trolley
- 750.136 (b)(2) Child abuse-first degree
- 750.145 (c)(2) Child sexually abusive activity or materials- active involvement
- 409.122 (3) Employment of children in child sexually abusive activity
- 750.260 Counterfeiting coins or possession of 5 or more counterfeit coins
- 750.328 Death by explosives in or near building
- 750.327 Death by explosives on vehicle or vessel
- 333.7401 (a) Delivering a controlled substance with intent to commit criminal sexual conduct
- 750.317 (a) Delivery of controlled substance causing death
- 333.7401 (2)(a)(iii) Delivery or manufacture of 50 or more but less than 450 grams of certain schedule 1 or 2 controlled substances
- 333.7401 (2)(a)(ii) Delivery or manufacture of 450 or more but less than 1,000 grams of certain schedule 1 or 2 controlled substances
- 333.7401 (2)(a)(i) Delivery or manufacture of 650 or more grams by juvenile
- 333.7401 (2)(a)(i) Delivery or manufacture of 1,000 or more grams of certain schedule 1 or 2 controlled substances
- 333.7401 (2)(a)(iv) Delivery or manufacture of less than 50 grams of certain schedule 1 or 2 controlled substances
- 333.7401 (2)(b)(i) Delivery or manufacture of methamphetamine
- 333.7401 (2)(b)(i) Delivery or manufacture of methamphetamine or 3, 4-methylenedioxymethamphetamine
- 333.7401 (2)(a)(ii) Delivery/manufacture of 225+ but less than 650 grams of certain schedule 1 or 2 substances
- 333.7401 (2)(a)(iii) Delivery/manufacture of 50+ but less than 225 grams of certain schedule 1 or 2 substances.
- 333.7401 (2)(a)(i) Delivery/manufacture of 650 or more grams of certain schedule 1 or 2 controlled substances
- 333.7403 (2)(a)(i) CS A Possession of 1,000 or more grams of certain schedule 1 or 2 controlled substances
- 333.13738 (3) Disposing of waste- extreme indifference to human life
- 750.174 (7) Embezzlement by agent of \$100,000 or more
- 750.180 Embezzlement by financial institution
- 750.212 (a) Explosives violation involving a vulnerable target causing death or injury

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- 750.218 (7) False pretenses involving a value of \$100,000 or more or \$50,000 or more but less than \$100,000 with prior convictions
- 750.411 (u) Gang membership felonies
- 750.338(a) Gross indecency between females involving sexually delinquent person
- 750.338(b) Gross indecency between males and females involving sexually delinquent person
- 750.338 Gross indecency between males involving sexually delinquent person
- 750.200 (i)(2)(b) Harmful device causing property damage
- 750.200 (i)(2)(d) Harmful device causing serious impairment
- 752.1006 Health care fraud- Subsequent offense
- 750.543 (h)(3)(b) Hindering prosecution of terrorism- act of terrorism
- 750.543 (h)(3)(a) Hindering prosecution of terrorism- certain terrorist acts
- 750.543 (k) Soliciting or providing material support for terrorism or terrorist acts
- 750.543 (p) Use of internet or telecommunications to commit certain terrorist acts
- 750.543 (f) Terrorism without causing death
- 750.543 (m) Threat of false report of terrorism
- 750.110 (a)(2) Home invasion- first degree
- 750.110 (a)(4) Home invasion- first degree
- 750.462 (i) Human trafficking- compound felony
- 750.462 (d)(3) Human trafficking- forced labor through abuse of legal process causing death
- 750.462 (f)(3) Human trafficking- forced labor through blackmail causing death
- 750.462 (e)(3) Human trafficking- forced labor through destruction of ID document causing death
- 750.462 (b)(3) Human trafficking- forced labor through physical harm causing death
- 750.462 (c)(3) Human trafficking- forced labor through physical restraint causing death
- 750.462 (g)(1) Human trafficking- obtain minor for child sexual abusive activity
- 750.459 Transporting a female for prostitution
- 750.49 (8) Inciting fighting animal resulting in death
- 750.335 (a)(2)(c) Indecent exposure by sexually delinquent person
- 750.200 (j)(2)(e) Irritant or irritant device causing death
- 750.200 (j)(2)(d) Irritant or irritant device causing serious impairment
- 750.365 Larceny from car or persons detained or injured by accident
- 750.386 Malicious destruction of mine property
- 750.211 (a)(2)(d) Manufacturing or possessing an explosive or incendiary device causing physical injury
- 750.211 (a)(2)(c) Manufacturing or possessing an explosive or incendiary device causing serious impairment
- 750.411 (p)(2)(a) Money laundering of proceeds from controlled substance offense involving \$10,000 or more
- 257.625 (4)(b) Operating a vehicle under the influence or while impaired causing death to certain persons
- 257.625 (4)(b) Operating a vehicle while intoxicated or impaired causing death to certain persons

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- 333.7401 (c)(2)(b) Operating or maintaining controlled substance laboratory in presence of minor
- 333.7401 (c)(2)(e) Operating or maintaining controlled substance laboratory in presence of minor
- 333.7401 (c)(2)(c) Operating or maintaining controlled substance laboratory involving hazardous waste
- 333.7401 (c)(2)(f) Operating or maintaining controlled substance laboratory involving methamphetamine
- 333.7401 (c)(2)(d) Operating or maintaining controlled substance laboratory near certain places
- 333.7403 (2)(a)(iii) Possession of 50 or more but less than 450 grams of certain schedule 1 or 2 controlled substance
- 333.7403 (2)(a)(ii) Possession of 450 or more but less than 1,000 grams of certain schedule 1 or 2 controlled substances
- 257.625 (4)(b) OUIL- causing death to emergency personnel
- 750.455 Pandering
- 750.90 (g)(3) Performance of procedure on live infant with intent to cause death
- 750.422 Perjury committed in court- capital crime
- 767A.9 (1)(b) Perjury committed in prosecutor's investigative hearing- capital crime
- 25 10/1/00
- 750.207 (2)(b) Placing an explosive causing property damage
- 750.207 (2)(d) Placing an explosive causing serious impairment
- 750.209 (1)(c) Placing an offensive or injurious substance causing physical injury
- 750.209 (1)(b) Placing an offensive or injurious substance causing property damage
- 750.209 (1)(d) Placing an offensive or injurious substance causing serious impairment
- 750.456 Placing spouse into prostitution
- 750.436 (2)(c) Poisoning food, drink, medicine, or water supply causing injury
- 750.436 (2)(b) Poisoning food, drink, medicine, or water supply causing property damage
- 750.436 (2)(d) Poisoning food, drink, medicine, or water supply causing serious impairment
- 750.210 (2)(c) Possessing or carrying an explosive or combustible substance causing physical injury
- 750.210 (2)(b) Possessing or carrying an explosive or combustible substance causing physical injury
- 750.210 (2)(d) Possessing or carrying an explosive or combustible substance causing property damage
- 750.543 (r) Possession of vulnerable target information with intent to commit certain terrorist acts
- 750.349 (a) Prisoner taking a hostage
- 750.458 Prostitution- detaining female for debt
- 750.462 (j)(1)(c) Person A Providing or obtaining labor or services of another person by force, fraud, or coercion causing death
- 750.462 (j)(1)(b) Providing or obtaining labor or services of minor by force, fraud, or coercion

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750.159 (j) Racketeering

750.462 (j) (2)(b) Recruiting or transporting minor for labor or services

750.462 (j)(2)(c) Recruiting or transporting minor for labor or services causing death

750.219(d)(4) Residential mortgage fraud violation involving loan value of more than \$100,000

750.411 (v)(2) Retaliation for withdrawal from gang

750.204 (2)(c) Sending an explosive causing physical injury

750.204(2)(b) Sending an explosive causing property damage

750.204 (2)(d) Sending an explosive causing serious impairment

472.36 Street railways- obstruction of track

462.257 (1) Trains- endangering travel

750.213 Threats to extort money

752.797 (3)(f) Using computer for crime punishable by maximum term of at least 20 years or for life

750.145(d)(2)(f) Variable B Using internet/computer to commit crime punishable by max term of at least 15 years or for life

### 32.10 Check List for Video Interrogation

- A. Check to ensure equipment is operating properly including sound.
- B. Speak clearly and instruct the subject go speak clearly, so you can hear them.
- C. Speak the time and date the recording began and identities of those present.
- D. Speak the start time of the interrogation and the purpose for the suspect being present and ask if they understand.
- E. Should the suspect object to the recording at any time, have them voice the objection on the video. If they refuse, the interrogating officer should voice the objection raised by the suspect of having their interrogation recorded.
- F. Ask the subject the following:
  1. if they read and understand English
  2. if they have any hearing or vision impairments
  3. if the person is under a doctor's care for any illness or disorder
  4. if the person is:
    - a. taking illegal drugs and/or
    - b. under the influence of alcohol\* how long ago they last consumed it

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(if yes, check with Chief to determine course of action)

- c. any prescribed medication and when they need the next dose
  - d. where the medication is located. Officers should make arrangements for dose
    - i. when the last time the person ate food and had something to drink, (provide food and drink if time is more than 12 hours)
    - ii. if they need to use the bathroom, (allow the suspect to use the bathroom and then reasonably regulate the breaks from this point forward).
- G. Give Miranda Warnings and ensure to obtain a positive response to consent to question.
- H. During the interrogation, document the following:
- 1. Declare the time and reason anytime the recording is to stop
  - 2. Declare the time the recording resumes and the break has ended
  - 3. Declare the time the interrogation ends and the recording is terminated
- I. Preserve the recording as evidence and complete all reporting requirements.

### 32.11 Disposal of Media

- A. This is to outline the proper disposal of media at the Nashville Police Department. These rules are in place to protect sensitive and classified information, employees and the Nashville Police Department. Inappropriate disposal of the Nashville Police Department and FBI information and media may put employees, Nashville Police Department and the FBI at risk.
- B. This applies to employees, contractors, temporary staff, and other workers at the Nashville Police Department, including all personnel with access to sensitive and classified data and media. This policy applies to all equipment that processes classified and sensitive data that is owned or leased by the Nashville Police Department.
- C. When no longer usable, diskettes, tape cartridges, ribbons, hard copies, print-outs, and other similar items used to process or store classified and/or sensitive data shall be properly disposed of in accordance with measures

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established by the Nashville Police Department. The following procedures will be followed:

1. When no longer usable, hard copies and print-outs shall be placed in properly marked shredding bins
2. Diskettes and tape cartridges shall be taken apart and placed in the properly marked shredding bins.
3. After media has been shredded it will be placed in appropriate bins to be incinerated or disposed of properly.

- D. IT systems that have processed, stored, or transmitted sensitive and/or classified information shall not be released from the Nashville Police Department control until the equipment is sanitized and all stored information has been cleared. For sensitive, but unclassified information, the sanitization method shall be approved by the Nashville Police Department. For classified systems, National Security Association approved measures shall be used. The following procedures will be followed:

Employees will send all hardware that processes and/or stores classified and/or sensitive data to the Nashville Police Department Chief of Police to be properly disposed.

- E. The Nashville Police Department Chief of Police will dispose of hardware by one of the following methods:
1. Overwriting – an effective method of clearing data from magnetic media. As the name implies, overwriting uses a program to write (1s, 0s, or a combination of both) onto the location of the media where the file to be sanitized is located. The number of times the media is overwritten depends on the level of sensitive information.
  2. Degaussing – a method to magnetically erase data from magnetic media. Two types of degaussing exist: strong magnets and electric degausses. Note that common magnets (e.g., those used to hang a picture on a wall) are fairly weak and cannot effectively degauss magnetic media.

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3. Destruction – a method of destroying magnetic media. As the name implies, destruction of magnetic media is to physically dismantle by methods of crushing, disassembling, etc.
- F. Also, computers that are used to transmit classified and/or sensitive information must protect residual data. This can be accomplished with the use of integrated encryption technology. This technology uses a device or software which encrypts all data as it is written to the disk. When the user retrieves a file, the data is automatically decrypted for the owner to use. This encryption/decryption process is typically transparent to the user. Should the hard drive be removed, no useable data can be retrieved.
- G. Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

## **SECTION 33**

### **IN-CAR CAMERA SYSTEM OPERATIONS**

#### **33.1 Purpose**

This policy is to establish guidelines for the operation of the in-car video recording system equipment. These procedures are intended to develop proper operation of the system, maintain evidential integrity, provide a chain of custody for court presentation, and ensure the proper handling and storage of the system recordings.

#### **33.2 Policy**

Recordings will be utilized in the interest of safety, to facilitate arrests and convictions, and to review situations that result in citizen complaints. The recordings may be reviewed to monitor officer performance. Minor policy and procedural violations/infractions noted during the review of a recording will be subject to counseling and training.

#### **33.3 Procedures**

##### **A. Video Procedures:**

1. Officers shall be trained in the operation of the in-car camera system prior to usage.
2. The in-car camera system shall record only when the emergency lights are activated or manually turned on by the officer.
3. At the beginning of each shift, the officer(s) assigned to a camera-equipped vehicle shall ensure that he/she has all the necessary equipment for proper operation of the system. This includes microphones, and batteries.
4. The in-car camera system shall be tested prior to the beginning of the shift to ensure it is functioning properly according to manufacturer's recommendations. Any operational problems encountered prior to or during a shift will be immediately brought to the attention of the shift supervisor, or if no supervisor on duty, record shall be made on the activity log.



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### B. Audio Procedures

1. Officers shall ensure that the microphone is placed in the charging cradle at the end of each shift.
2. The in-car camera system comes equipped with two (2) microphones. One microphone is mounted and designated to function inside the patrol unit and the other microphone in addition to the transmitter, shall be worn in the upper most portion of the uniform (shirt pocket) for easy accessibility and maximum effectiveness.
3. Microphones will function only when the system is in the record mode and the microphone transmitter is in the "on" position. Officers shall ensure that the microphone is recording whenever they are performing a police service activity outside the patrol vehicle.

### C. Video Tape Procedures

1. Officers shall note or highlight on their activity log any significant incident in their tour of duty which may be subject to or require a review and copy made for file.
2. When a copy is made each dvd will be assigned a complaint number that will be marked on the dvd. (completed by Police Chief)
3. Dvds needed for evidence shall be so identified to ensure that the dvd is processed in accordance with proper evidence procedures.
4. Complaint review dvds will be stored in a secure place in either the property room or a locked cabinet accessible only to a supervisor for a period of 6 months or longer if needed for court case.
5. Department personnel shall not display, duplicate or give an in-car video recording to anyone without authorization.

### 33.4 Equipment control and Repair

The supervisor/control officer of the designated in-camera system equipment shall be responsible for:

1. Responding to requests to review dvd's from department personnel, prosecutors, and the court.
2. Keeping records of and maintaining dvd's designated for court or internal review.

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3. Ensuring all in-car camera system equipment and batteries are properly maintained.
4. All Freedom of Information request will go through the FOIA Coordinator.

Officers will not attempt to repair any in-camera system equipment.

## **SECTION 34**

### **BODY CAMERA SYSTEM OPERATIONS**

#### **34.1 Purpose**

To establish policy and procedure for the Nashville Police Department in the use of body camera video equipment.

#### **34.2 System**

The Nashville Police Department currently uses the Digital Ally Body Camera. The system works by downloading the video/audio data to the systems hard drive.

#### **34.3 Systems Administrator**

The Chief of Police will be the administrator of the system, along with the head of the Police Committee of the Village of Nashville Council.

#### **34.4 Objectives**

Program Objectives — this agency has adopted the use of wearable video/audio recording systems in order to accomplish several objectives, including:

- A. Accurate documentation of events, actions, conditions and statements made during arrests and critical incidents, so as to enhance officer reports, collection of evidence and testimony in court; and
- B. The enhancement of this agency's ability to review probable cause for arrest, arrest procedures, officer and suspect interaction, and evidence for investigative purposes, as well as for citizen complaints and training.

#### **34.5 Procedures**

Operating Procedures—Officers shall adhere to the following procedures when utilizing body wearable video equipment.

- A. Each VRS (Video Recording System) is programmed to be activated in one of two ways:
  - 1. When the emergency lights are activated.
  - 2. Manually by the officer from the siren control panel inside the patrol unit.

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3. Button on First Vu Body Camera needs to be pushed for audio and video to record.
  4. NOTE — while driving on patrol through a low-frequency radio field with the VRS in the RMT mode may activate the system (audio and video) without the officer's knowledge.
- B. Officers shall activate both the in car video and the Body Camera on all traffic stops or other enforcement actions when possible with vehicle positioning and leave the system on until contact with a violator has been terminated. In so doing, officers will ensure that:
1. The video recorder is positioned and adjusted to record events;
  2. Officers shall activate the Body Camera before violator or complainant contact to record any information deemed important by the officer.
  3. Regardless of how the system was activated, the Camera is programmed to be turned off only manually. This option may be necessary when on a stationary traffic point and video/audio recording is not necessary. Examples include: Parade duty or a motorist assist while waiting for the wrecker. (unable to be turned off)
  4. The video equipment is the responsibility of the officer assigned to that vehicle and will be maintained according to manufacturer's recommendations.
  5. Officers assigned to a patrol unit which is equipped with a video/audio recording system are required to use the equipment.
  6. Prior to each shift, officers shall determine whether their video equipment is functioning satisfactorily. If the equipment is not working properly, the officer shall forward a written communication to the Chief of Police and/or the system administrator.
  7. Officers shall not erase or attempt to erase or in any manner, alter the in-car SD card head unit.

### 34.6 Disposition of Files

- A. Officers are to download all video from their shift at the completion of the shift to the department computer assigned to hold the video.
- B. Officers shall note in the incident report, arrest and related reports when the offense/event was recorded. This is necessary for the chain of evidence.

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- C. Officers shall make a DVD of video for any incidents that will be turned over to the prosecutor's office for charges to be filed if that video is deemed to be of evidentiary value to the case in question.
- D. All requests for CD/DVD's to be created shall be made via a FOIA request by any outside entity of law enforcement.

### File Control and Management

Video files containing information that may be of value for case prosecution or in any criminal or civil adversarial proceeding, shall be safeguarded as other forms of evidence. As such, these video files will:

1. Be subject to the same security restrictions and chain of evidence safeguards as any other evidence; CD/DVD's which are produced shall be marked and filed with the original incident report.
2. Shall not be released to any agency or individual without prior approval of the Chief of Police (see section 4a below).
3. Files not scheduled for court proceedings or department administrative use shall be maintained for 90 days. All files shall be maintained in a manner that allows efficient identification and retrieval.
4. No files shall be viewed, copied or otherwise used by non-departmental personnel without the consent of the Chief of Police. The only exception to this subsection is other police department's sworn personnel reviewing the incident for a criminal investigation, a prosecutor's request or when produced for a trial or informal hearing.
5. A request for copies of video/audio files will be made in accordance with FOIA.

If a copy of an incident is requested, officers/dispatchers shall have the requestor comply with the FOIA law and department procedures. The Chief of Police will review this request and consider it for release, and will not be release if there is any ongoing investigation pertaining to the incident, or civil litigation (exception: to the attorney of the plaintiff upon written FOIA request, and signature of non-release of information. The non-release of information form will be to limit the video for use in judicial proceeding's only.)

### 34.7 Compliance

Violations of this policy or portions thereof, may result in disciplinary action up to and including termination.

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### 34.8 Officers Assigned to Other Agencies

Officers of this department assigned to or assisting other law enforcement agencies will be guided by this policy.

### 34.9 Application

This department policy is not intended to enlarge the employer's or employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims insofar as the employer's or employee's legal duty imposed by law. It will not in any way be held against an officer if officer safety is a concern at the time of the incident. Officer safety is paramount and will trump any recording of video. The determination whether officer safety was key will be made by the Chief of Police and the head of the Police Committee of the Village of Nashville.

## SECTION 35

### PROTECTIVE CUSTODY OF MENTALLY IN/INCAPACITATED PERSONS

#### 35.1 Mentally Ill Persons

##### A. Definitions

1. **Mental Illness.** Mental illness means a substantial disorder of thought or mood, which significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life.
2. **Person Requiring Treatment.** A person requiring treatment is:
  - a. A person who is mentally ill, and who, as a result of that mental illness, can reasonably be expected within the near future to intentionally or unintentionally cause serious physical injury to himself/herself or another person, and who has engaged in an act or acts or made significant threats that are substantially supportive of the expectation;
  - b. A person who is mentally ill and who, as a result of that mental illness, is unable to attend to those of his/her basic physical needs such as food, clothing, or shelter that must be attended to in order for him to avoid serious harm in the near future, and who has demonstrated that inability by failing to attend to those basic physical needs; or
  - c. A person who is mentally ill, whose judgment is so impaired that he/she is unable to understand his/her need for treatment and whose continued behavior as a result of this mental illness can reasonably be expected, on the basis of competent medical opinion, to result in significant physical harm to himself/herself or others. This type of person shall be hospitalized only when a petition is filed with the Court or if the Court orders an officer to take the individual into protective custody and transport him/her to the hospital.
  - d. A person whose mental processes have simply been weakened or impaired by reason of advanced years, a person with epilepsy or a person with alcoholism or other drug dependency shall not be deemed to be a person requiring treatment unless the person also meets the criteria (a), (b) or (c) listed above.
  - e. A person who is judged to be "incapacitated" simply because of alcohol or drugs, shall be taken into protective custody.
3. **Protective Custody.** Protective custody means the temporary custody of an individual by an officer with or without the individual's consent

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for the purpose of protecting that individual's health and safety, or the health and safety of the public, and for the purpose of transporting the individual if the individual, in the judgment of an officer, appears to be a person requiring treatment or is a person requiring treatment. Protective custody is civil in nature and not to be construed as an arrest. An officer shall inform the individual that he or she is being held in protective custody and is not under arrest.

- a. Discretionary Actions. If an officer decides that a person is a "person requiring treatment", the officer may:
  - i. Take the person into protective custody and transport him/her to a hospital;
  - ii. Notify a "Community Mental Health" and request "mental health intervention services."

The Community Mental Health may advise the officer either to take the person to a hospital or release them from protective custody.

- b. Non-Discretionary Actions. An officer must take a person into protective custody when:
  - i. A person has been admitted to a hospital by judicial order and has left the hospital without authorization or has refused a request to return to the hospital from an authorized absence, and a hospital representative requests that an officer return the person to the hospital. In this case, an officer shall take the person into protective custody and return him to the hospital;
  - ii. An application for hospitalization of an individual and a physician's or psychologist's certificate certifying that the individual is "a person requiring treatment", is delivered to a peace officer. In this case, an officer shall take the individual named in the application into protective custody and transport the individual immediately to a hospital; or
  - iii. A court order is issued to an officer to take an individual into protective custody and transport him/her to a hospital or other place of the Court's designation.
- c. Procedure. An officer, when taking an individual into protective custody, may use that kind and degree of force which would be lawful where an officer effecting an arrest for a misdemeanor without a warrant. In taking the individual, an officer may take reasonable steps for self-protection. The protective steps may include a pat down search of the



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individual and the individual's immediate surroundings, but only to the extent necessary to discover and seize a dangerous weapon which may be used against the officer or other persons present. The person may be restrained with handcuffs or other appropriate restraints. These protective steps shall be taken by an officer before the individual is transported to a Community Mental Health or a hospital.

### 35.2 Incapacitated Persons

#### A. Definitions.

1. Incapacitated. An individual who, as a result of the use of alcohol or drugs, is unconscious or has his or her mental or physical functions so impaired that he or she either poses an immediate and substantial danger to his or her own health and safety, or is endangering the health and safety of the public.
2. Protective custody. Protective custody means the temporary custody of an individual for the purpose of protecting that individual's health and safety or the health and safety of the public if the individual appears to be or is incapacitated. Protective custody is civil in nature and is not an arrest.

#### B. Non-Discretionary Action.

1. An individual who appears to be incapacitated in a public place shall be taken into protective custody by a law enforcement officer and taken to an approved service program, or to an emergency medical service, or to a transfer facility for subsequent transportation to an approved service program or emergency medical service.
2. When requested by a law enforcement officer, an emergency service unit or staff shall provide transportation for the individual to an approved service program or an emergency medical service. The emergency medical service unit does not have to take the individual if the law enforcement officer reasonably believes that the individual will attempt escape or will be unreasonably difficult for the staff to control.

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3. An officer shall inform the individual that he or she is being held in protective custody and is not under arrest. An incident report will be filed, indicating the date; time and place of the taking, but the entries shall not be treated for any purpose as an arrest or criminal record.