
Small Cities Police Manual Guide January 1988

By Joseph Muscatello



The University of Tennessee
Municipal Technical Advisory Service

In cooperation with:
The Tennessee Municipal League

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***This publication is under consideration*
for revision in 1992**

January, 1988

MTAS LETTERHEAD

Dear City Official:

There have been numerous requests to MTAS for a model police manual for small cities. The following manual is an answer to these requests. However, this model will, in most cases, require some changes to adapt to your local police department needs concerning policies and procedures.

This manual could harm your city from a liability standpoint if you adopt it and then do not implement the policies and procedures. Please make sure to follow whatever policies and procedures you incorporate into the manual. Also, appropriate review and training in the department focusing on the content of the manual is strongly recommended.

I encourage you to review this publication and to incorporate any segments of the rules, policies and procedures as may be applicable to and useful for your city. As always, we solicit your suggestions and criticisms in making this an even more useful tool.

Please give your MTAS consultant a call for assistance in tailoring the manual to your needs. We have the manual on a word processor and can easily make desired adjustments.

Thank you.

Sincerely,

TABLE OF CONTENTS

VOLUME 1 - Rules

	<u>Page</u>
Preface.....	1
Law Enforcement-Code of Ethics.....	2
Manual Number Issue Sheet.....	3
Definition and Terms.....	4
CHAPTER 1- ADMINISTRATION, ORGANIZATION, AND FUNCTIONAL RESPONSIBILITIES	
1.10 Department Command.....	9
1.20 Authority and Responsibility of Police Officers.....	9
1.30 Pre-Appointment Requirements.....	10
1.40 Organizational Chart.....	11
CHAPTER 2 - GENERAL RULES	
2.01 Reporting Violations.....	12
2.02 Standards.....	12
2.03 Orders.....	13
2.04 Prohibited or Required Activities.....	13
2.05 Scenes of Incidents.....	16
2.06 Courts.....	16
2.07 Conduct off Duty.....	17
2.08 Residence and Telephone Requirements.....	18
2.09 Prohibit Actions.....	18
2.10 Types of Disciplinary Actions.....	20
CHAPTER 3 - UNIFORM, DRESS AND APPEARANCE	
3.01 Purpose.....	22
3.02 General.....	22
CHAPTER 4 - TRAINING	
4.01 Training and Personnel Development Policy.....	23
4.02 Certification of Officers.....	23
4.03 Basic Training.....	23
4.04 In-Service Training.....	23

CHAPTER 5 - ARREST AND PRISONERS

5.01	General.....	24
5.02	Cause for Arrest.....	24
5.03	Authority to Arrest.....	24
5.04	When to Arrest.....	24
5.05	Use of Force (Forcible Entry).....	25
5.06	Miranda Warning.....	25
5.07	Bail.....	26
5.08	Personal Possessions of Arrestee.....	26
5.09	Rights To Notify Family and Attorneys.....	26
5.10	Appearance Before A Judge.....	26
5.11	Motor Vehicles of Arrestee.....	26
5.12	Arguments During Arrest.....	27
5.13	Recommending Attorneys and Bail Bondsman Prohibited..	27
5.14	Transporting Prisoners.....	27
5.20	Juveniles.....	28

CHAPTER 6 - VEHICLE OPERATION

6.01	Department Vehicles.....	30
6.02	Obedience to the Law.....	30
6.03	Transporting Injured Persons.....	31
6.04	Transporting Citizens.....	31
6.05	The Emergency Call - Code Three.....	31
6.06	Use of Emergency Equipment.....	31
6.07	Accidents.....	32

CHAPTER 7 - HIGH SPEED PURSUIT

7.01	High Speed Pursuit Defined.....	33
7.02	State Law Reference.....	33
7.03	General Considerations and Guidelines.....	34
7.04	High Speed Pursuit Procedure.....	35

CHAPTER 8 - FIREARMS AND OTHER WEAPONS

8.01	Department Policy.....	38
8.02	Use of Deadly Force.....	38
8.03	Drawing of Firearms or Other Weapons.....	38
8.10	Carrying Firearms and Ammunition.....	38
8.11	Unnecessary Handling of Firearms.....	39
8.20	Firearms Training and Qualifications.....	39
8.21	Firearms Qualifications.....	39
8.30	Discharging Firearms.....	39
8.31	General.....	39
8.32	Prohibited use of Firearms.....	40
8.33	Reporting Discharge of Firearms.....	40
8.34	Reports of Shooting Incidents (Where Person Is shot).	41
8.40	Firearms Inspection.....	41
8.41	Annual Inspection.....	41
8.42	Inspection of Weapons Confiscated.....	41
8.50	Batons.....	41

8.51	Use of Batons.....	42
8.52	Baton Specifications.....	42

CHAPTER 9 - USE OF FORCE

9.10	General.....	43
9.20	Unnecessary Force.....	43
9.30	Non-Deadly Force.....	43
9.40	Deadly Force: Defined.....	43
9.41	Deadly Force: To Protect Life.....	43
9.42	Deadly Force: To Affect An Arrest.....	44
9.43	Deadly Force: Discussion.....	44
9.44	Deadly Force: General Provisions.....	45

CHAPTER 10 - DOMESTIC VIOLENCE

10.10	Provisions.....	46
10.20	Domestic Violence Victim Rights.....	48
10.30	Law Enforcement Domestic Abuse Form.....	49

CHAPTER 11 - OFF DUTY EMPLOYMENT

11.01	Criteria For Outside Employment.....	50
11.02	General.....	50

CHAPTER 12 - NEWS MEDIA RELATIONS-

12.10	News Media Relations.....	52
12.20	Release of Information.....	52
12.21	Release of Information Prior to Arrest.....	52
12.22	Release of Information After Arrest.....	52
12.23	Items of and Evidentiary Nature.....	53

VOLUME II - STANDARD OPERATING PROCEDURE

101	Search and Transport of Prisoners.....	54
102	Handling Residential Complaints.....	58
103	Handling Drunk Complaints.....	59
104	Handling Shooting or Knifing Calls.....	60
105	Handling Prowler Calls.....	61
106	Traffic Patrol.....	62
107	Traffic Citations.....	66
108	Traffic Accident Investigation.....	68
109	Stops.....	70
110	Frisks.....	72
111	General Patrol.....	75
112	Investigation of Suspicious Automobiles.....	77
113	Search and Inventory of Vehicles.....	78
114	Building Checks and Searches.....	80
115	Crime In progress Calls.....	82
116	Radio Operations.....	84
117	Storage and Impoundment.....	89
118	Investigative Procedures.....	91

PREFACE

By virtue of the authority vested in the Governing Body by the charter and ordinances of the City of (town, city) the Governing Body hereby adopts the following rules, policies, and procedures for the government, discipline, and administration of the (town, city) Police Department, reserving the right to alter, amend, or revoke any of the said rules, policies, and procedures or to make additions thereto from time to time, as the good of the service may require.

These rules and procedures are designed to guide employees of the (town, city) Police Department in carrying out the duties, responsibilities, and obligations imposed upon them by law or necessarily assumed in carrying out the department's objectives.

Any violation of these rules and procedures may be made the subject of disciplinary charges against employees responsible for such violation.

No arbitrary rules can be established which embrace all situations in the discharge of police duties. Some things must be left to the discretion of the individual employee. However, if any employee deviates from the provisions of this manual, the member must be able to demonstrate that this action was necessary.

Each member of the department shall be issued a copy of the Rules and Procedures Manual and is directed to become familiar with the content. The member shall be responsible for keeping the manual in good condition and making additions and/or deletions as ordered.

Whenever there is doubt as to the meaning or intent of a rule, policy, or procedure, the employee shall seek an interpretation or explanation.

All previously issued rules, policies, and procedures inconsistent or in conflict with these rules and procedures are hereby revoked.

LAW ENFORCEMENT - CODE OF ETHICS

AS A LAW ENFORCEMENT OFFICER, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all people to liberty, equality and justice.

I WILL keep my private 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 regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I WILL never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held as I am true to the ethics of the police service. I will strive constantly to achieve these objectives and ideals, dedicating myself before God to my chosen profession. . . LAW ENFORCEMENT.

POLICE DEPARTMENT MANUAL

POLICY AND PROCEDURES

C O N F I D E N T I A L

SECURITY INFORMATION

This manual is the property of the Police Department,
(town, city, Tennessee.

Manual No. _____

The member to whom this manual is issued is responsible for its care and good condition and for inserting supplements and making corrections necessary to keep it current. Also, the member is required to know and understand this manual and accept appropriate discipline if the manual is not followed. Whenever there is doubt as to the meaning or intent of a rule, policy or procedure, the member shall seek an interpretation or explanation.

This manual, as well as the badge, uniform, firearms and equipment, is part of the official department property issued to members and employees. It will be treated as such, in accordance with the procedures and rules contained herein, and is subject to review and inspection by a superior officer at any time on notice and must be returned in good condition when the member severs connection with the department.

If found, please return to the (town, city Police Department.

Recommended _____
Chief of Police

Approved _____
Chief Executive Officer

ISSUED TO:

PAYROLL NUMBER

DATE

Signature of Member Receiving This Manual _____.

DEFINITIONS AND TERMS

ACTING: Serving temporarily in a position to which the member ordinarily is not assigned, usually in a position of higher responsibility. The acting member shall have all the authority, responsibility, and duties of the higher position.

ADMINISTRATIVE REGULATIONS: An administrative order issued by the Chief Administrative Officer or Chief to establish an administrative policy for the city or department.

BEAT: Geographic area of assignment of various sizes.

CALL: Police activity assigned to a member requiring verbal or written clearance.

CHAIN OF COMMAND: The unbroken line of authority extending from the Chief of Police through a single subordinate at each level of command down to the level of execution.

CHIEF: The Chief of Police.

CHIEF EXECUTIVE OFFICER (CEO): The administrative head of the city as stipulated in the municipal charter, i.e. City Manager, City Administrator or Mayor.

CITY: The area within the corporate limits of the City of _____.

DEPARTMENT: The _____ Police Department.

EMPLOYEE: All sworn police officers, reserve officers, and civilian employees of the department; synonymous with "member."

GENDER OF WORDS: Patrolman, Officer, Employee, he, et. al, include both sexes.

GENERAL ORDER: A written order issued by the Chief which establishes a principal, policy, or instruction, and which is effective permanently unless amended or rescinded.

GOVERNING BODY: The elected board or commission including the Mayor, i.e. Board of Mayor and Commissioners, Board of Mayor and Aldermen, City Commission, etc.

HEADQUARTERS: The main Police Station.

INSUBORDINATION: The refusal to obey or comply with a lawful order from an employee of higher rank or position.

MAY: Permissive.

MEMBER: Synonymous with "Employee" includes the Chief of Police.

OFF DUTY: Time when a member is not serving in a specified assignment as a department employee.

OFFICER: All commissioned employees of the department including the Chief of Police.

ON DUTY: An officer is on duty during the period when actively engaged in the performance of regularly assigned duties, when performing a special mission for the department, or when directed by a supervisor to perform in a police capacity at other than regularly assigned duty hours.

ORDER: A written or verbal instruction by a superior officer.

POLICY: A written statement dealing with the objectives and principles that guide the performance of a department activity.

PROCEDURE: The official method for dealing with any given situation.

REPORT: A written communication and the appropriate form.

RULE: A prescribed guide for conduct or action. A regulation controlling conduct, issued by the Chief of Police, the CEO or the Governing Body.

SENIORITY: Established first by rank, second by aggregate time served in rank, and third by aggregate time served in the department.

SHALL: Mandatory.

SHIFT: Assigned duty hours.

SPECIAL ORDER: A written order, issued by the Chief of Police, or the Mayor which deals with a special situation or event and is temporary or self-cancelling.

STANDARD OPERATING PROCEDURE: A written order by the Chief of Police and approved by the Mayor and Board of Aldermen to define policy and direct procedures for specific situations or events, effective permanently unless amended or rescinded.

SUPERIOR OFFICER: An officer of higher rank.

SUPERVISOR: An officer or civilian employee who has attained supervisory classification, or an employee assigned by the Chief of Police to supervise the work of others. The CEO is the Chief of Police's Supervisor.

SUSPENSION: The act of temporarily denying a member the rights and privileges of performing the duties of a member of the department.

T.C.A.: Tennessee Code Annotated.

WILL: Conditions permitting.

ZONE: An area, the boundaries of which are assigned to a patrol or unit.

CHAPTER 1 - ADMINISTRATION, ORGANIZATION, AND FUNCTIONAL RESPONSIBILITIES

1.10 DEPARTMENT COMMAND

A. Authority - Article ____ Section ____ paragraph ____ of the Charter of the City of (town, city) places the administrative control of the Police Department under the _____.

B. Chief of Police - Article ____ Section ____ of the charter of the City of (town, city) indicates that the Chief of Police shall be appointed by the _____.

1. The Chief of Police has the responsibility of the Police department for the preservation of life and property, preservation of law and order, investigation of crimes, suppression of vice, and enforcement of the state laws and city ordinances. The Chief shall direct the proper assignment to officers; establish training programs; maintain records; provide traffic control and enforcement; cooperate with other law enforcement agencies; establish rules and regulations, policies, and procedures; be responsible for the care of prisoners; and shall provide advice to the CEO and Governing Body on matters pertaining to the Police Department.

1.20 AUTHORITY AND RESPONSIBILITY OF POLICE OFFICERS

Police Officers shall direct their efforts to carrying out the basic functions of the department: protection of life and property, preservation of the public peace, prevention of crime, arrest of violators of the law, and the proper enforcement of all laws and ordinances. They shall be held strictly accountable to the Chief of Police for their area and scope of assignment. Police Officers shall have a working knowledge of all laws including criminal laws, motor vehicle laws of the State of Tennessee and the ordinances of the City of (town, city) as well as departmental rules, procedures, orders, and policies.

They shall investigate all incidents assigned to them, consistent with department procedure. They shall report for duty at the times specified, in a clean and serviceable uniform or appropriate attire, and before going on duty shall familiarize themselves with official information posted or disseminated. They shall proceed to their area of responsibility without delay and shall not loiter about the

city hall.

Police officers shall remain in their area of during their shift, not leaving it except for the transaction of police business. They shall not leave their shift before the time set by the Chief, and shall file all required reports and information with the Chief. They shall not conceal themselves except for police purposes. At the request of a citizen, they shall give name and identification number in a respectful manner.

Police Officers shall familiarize themselves with their area of assignment and all communications available for use. They shall become familiar with places of public assembly, official buildings, and with any crime-prone areas. When giving their attention to any complaint, call for assistance, arrest, or other duty, they shall attend to such duty with business like dispatch and courtesy without unnecessary loss of time but with the safety of the public the top priority. Information will be passed on to relief officers or to the Chief to facilitate the continuity of operations.

Police Officers shall be responsible for the proper investigation of all cases assigned to them, including apprehension of the offender, collection of evidence, recovery of property, and preparation of the case for prosecution.

1.30 PRE-APPOINTMENT REQUIREMENTS

A. In accordance with TCA 38-11-106 the Chief of Police and Police Officers must meet the following requirements:

1. Be at least 18 years of age.
2. Be a citizen of the United States.
3. Be a high school graduate or possess equivalency.
4. Not have been convicted of a felony or of a misdemeanor involving "moral turpitude" and not have been released or discharged under other than honorable conditions from the armed forces.
5. Have fingerprints on file with the Tennessee Bureau of Investigation.
6. Have passed a physical examination by a licensed physician.

7. Have good moral character.
 8. Be free of all apparent mental disorders.
- B. (Optional) In accordance with the City of (town, city) Charter and Ordinances the Chief of Police and Police Officers are required to meet the following requirements:
1. The Chief of Police and Police Officers shall be residents of the county or counties in which the city is located. (Article ____ Section ____ or Ordinance No. ____ dated ____)

1.40 ORGANIZATIONAL CHART

(TO BE INSERTED)

CHAPTER 2 - GENERAL RULES

2.01 REPORTING VIOLATIONS

Police Department employees having knowledge of other department employees violating laws, ordinances, or departmental rules, or disobeying orders, shall report such violations in writing promptly to the Chief of Police and CEO.

2.02 STANDARDS

- A. Standard of Conduct - Members shall conduct their private and professional lives in such a manner as to avoid adverse reflection upon themselves as members of the department.
- B. Code of Ethics - All officers shall strive to attain the standards of the Law Enforcement Code of Ethics, which is incorporated in this manual.
- C. Insubordination - Deliberate refusal by any member to obey a lawful order given by a superior shall constitute insubordination and disciplinary action will be taken.
- D. Conduct Toward the Public - All persons having business with the Police Department are entitled to courteous and respectful consideration and must be given every assistance which may be proper under the rules of this department. Members shall give their name and badge number to any person requesting them.
- E. Cooperation With Other Law Enforcement Agencies -

Members shall cooperate with all law enforcement agencies, other city departments, and public service organizations and shall give such aid and information as such organization may be entitled to receive.
- F. Gifts, Gratuities, Fees, Rewards, Loans - Members shall not under any circumstance, solicit any gift, gratuity, loan, or fee where there is any direct or indirect connection between the solicitation and their department membership or employment. Members shall not accept any gift, loan, fee, or any other thing of value arising from or offered because of police employment without the approval of the Governing Body.
- G. Public Statements - Members shall not make public addresses or publish material concerning the affairs of the department or service that is connected with law

enforcement without first informing the Chief of Police and CEO.

2.03 ORDERS

A. Manner of Issuing Orders

1. Orders from superior to subordinate shall be in clear understandable language, civil in tone, and issued pursuant to departmental business.
2. Neither the Chief nor any supervisory officer knowingly shall issue any order that is in violation of any law, ordinance, or Police Department rule or procedure.

B. Unlawful, Unjust, or Improper Orders

1. Members are not required to obey an order that is contrary to federal, state or local laws. Responsibility for refusal to obey rests with members, and they shall be required to justify their refusal.
2. A member receiving an unlawful, unjust, or improper order shall, at the first opportunity, report in writing to the Chief of Police and CEO. This report shall contain the facts of the incident and the action taken. Appeals from relief from such orders may be made at this time.

C. Conflicting Orders

1. Orders may be countermanded or conflicting orders issued only when necessary for the good of the department.
2. Upon receipt of an order in conflict with a previous order or instruction, the member affected shall advise the person issuing the second order of the conflict. Responsibility for countermanding the original order or instruction then rests with the individual issuing the second order. If so directed, the latter command shall be obeyed.

2.04 PROHIBITED OR REQUIRED ACTIVITIES

- A. General - Members are prohibited from engaging in the following activities or actions while on duty, with the exceptions noted:

1. Sleeping, loafing or Idling on duty; members shall at all times be attentive to their duties.
 2. Recreational reading except at meals, but never in a patrol vehicle.
 3. Conducting private business.
 4. Carrying an articles that distract from the proper performance of their duties.
- B. Investigation - Officers shall not withhold any information or criminal activity or undertake self-assigned investigations without prior or prompt documentation and notification to the Chief.
- C. Loitering - Members on duty or in uniform shall not enter or loiter in taverns, theaters, or other public places except to perform a police task. Members off duty and not on official standby shall not loiter on department premises.
- D. Alcohol, Intoxicants, or Drugs - No member shall be on duty under the influence of intoxicants or drugs, or be unfit for duty because of their excessive use. While on duty, members shall not use controlled substances other than those prescribed by a physician, and then only with the knowledge of their superior.
- No member shall drink or purchase any alcoholic beverages while on duty or in uniform. No member in plainclothes shall drink or purchase any alcoholic beverages while on duty.
- E. Smoking on Duty - Members may smoke while on duty unless it interferes with the ability to perform police functions or is offensive to a citizen or fellow employee.
- F. Intoxicants on Department Premises - Members shall not possess any intoxicants on department premises except when necessary in the performance of a police task. Such intoxicants shall be properly identified labeled and stored.
- G. Misrepresentation and Falsification - No member shall, in an official capacity, knowingly misrepresent any matter, sign any false official statement or report, commit perjury, or give false testimony before any court, grand jury, board, commission, official hearing, or departmental hearing.

- H. Consorting - Members of the department shall avoid personal association with persons who have an open and notorious reputation in the community for criminal behavior (immediate family ties excluded), except in the discharge of their official duties and with the permission of the Chief of Police and CEO.
- I. Gambling - No form of gambling shall be permitted by members of the department. No form of card playing shall be permitted on department premises nor while a member is in uniform.
- J. Property - Evidence; Abandoned, Found, Safekeeping, etc. - Evidence, abandoned and found property, property maintained for safekeeping and any other property received by a member of this department shall not be used, utilized, converted, copied, distributed, etc., for personal use by any member other than for department purpose.
- K. Reporting for Duty - Members shall be punctual in reporting for duty at the time and place designated by their superior.
- L. In-service Training - Members shall attend in-service training sessions at the direction of the Chief of Police or CEO.
- M. Business Cards - Business cards that refer to the department shall be used by members only in connection with official business and shall be approved according to form by the CEO.
- N. Offensive Material - Members on duty or on city property shall not reproduce, circulate, or post any material that may be considered offensive on the basis of religion, race, ethnic origin, or sex.
- O. Offensive statements - Members shall not tell jokes or make verbal statements or suggestions that may be considered offensive, based upon religion, race, ethnic origin, or sex.
- P. False Injury Claims - Members injured off duty shall not falsely claim a job related injury. Members knowingly shall not corroborate a false injury claim.
- Q. Use of Department Property, Facilities, or Equipment - Members must obtain approval from the Chief of Police and the CEO prior to the use of department property, facilities, or equipment for a non-police-related

activity.

- R. Wrongful Use of Equipment - The use of equipment in a manner not specified in the Rules or Procedures, or in a manner other than the intended use, unless justified, may be considered wrongful uses.
- S. Use of Department Credentials - The use of badges, uniform, etc. for other than Police Department official business shall be prohibited. No member of the department shall allow his badge or credentials to be used by another person. The badge, credentials or official position shall not be used for preferential treatment, personal or financial gain of any kind.

2.05 SCENES OF INCIDENTS

- A. General Responsibilities of Members at Crime or Traffic Scene - The first member to arrive at the scene of a crime or other police incident is responsible for these actions:
 - 1. Security of the scene.
 - 2. Summoning medical assistance if needed.
 - 3. Arrest of violators.

Members officially assigned to investigate an alleged crime or other incident shall ensure that the above duties are performed, and that a thorough investigation is conducted. This shall include, but is not necessarily limited to, the securing of statements and other information that will aid in the successful completion of the investigation, and locating, collecting, and preserving physical evidence.

- B. Identification as Police Officer - Officers shall identify themselves by displaying the official badge or identification card and announcing their identity before taking police action, unless they are in uniform or their identity is obvious in another way.

2.06 Courts

- A. Court Appearance - Attendance at a court or quasi-judicial hearing as required is an official duty-assignment. Permission to omit this duty must be obtained from the prosecuting attorney handling the case or other competent court officials or hearing officer. Unless instructed otherwise by a prosecuting

attorney or other competent court officials or hearing officer, a member shall appear fifteen (15) minutes before a City Court case and thirty (30) minutes before a Circuit or Criminal Court case is scheduled for trial.

When appearing in court, all officers shall wear the official uniform or clothing conforming to the standard for officers working in plainclothes, with the addition that, when wearing plainclothes, male officers shall wear ties. Members shall present a neat and clean appearance, avoiding any mannerisms that might imply disrespect to the court.

- B. Absence from Court - If for any reason a member cannot attend a court case that the member has a subpoena for, or is scheduled to attend, the member shall notify the court liaison officer prior to trial. The court liaison officer shall notify the court or subpoena requesting party. This does not relieve the member from resolving any scheduling conflicts that may occur.
- C. Compromising Criminal Cases - Members shall not interfere with the efficiency or integrity of the administration of criminal justice or, having knowledge of such interference, fail to inform a supervisor.

2.07 CONDUCT OFF DUTY

- A. Call Out - During "off duty" time, members of the department shall be subject to call out duty as needed.
- B. Emergency Stand-by - Members shall be subject to emergency standby as deemed necessary by the Chief of Police or CEO.
- C. Police Action While Off Duty - Off duty officers shall act in an official capacity if they observe an incident requiring police action when time is of the essence, or if such action will safeguard life, property, or prevent the escape of a criminal.

If off duty officers observe or have their attention called to, an incident requiring police action and time is not of the essence or life and property are not endangered, they shall report the incident to the department.

Officers are always required to follow the rules, policies and procedures as contained in this manual when responding to off duty incidents.

- D. Neighborhood or Family Disputes - Officers intentionally shall not become involved in quarrels or disputes involving their neighbors. Officers shall not make arrest in their personal quarrels or those of their family or neighbors unless such action is warranted by the immediate threat of serious bodily harm or property damage. Such disputes in which police intervention is required shall be handled by a disinterested officer. A supervisor will be notified.

2.08 RESIDENCE AND TELEPHONE REQUIREMENTS

- A. Members shall maintain a telephone in their residence.
- B. Members shall keep the department informed as to their current address and telephone number.

2.09 PROHIBITED ACTIONS

- A. No officer shall:
 - 1. Drink any alcoholic beverage while in uniform or on duty, or have the odor of alcohol on breath while on duty.
 - 2. Be intoxicated on duty.
 - 3. Be intoxicated in public when off duty or habitually be intoxicated.
 - 4. Loiter in any store or other place of business while on duty.
 - 5. Enter any place, while on duty, where intoxicating drinks are sold, except in performance of duty.
 - 6. Receive or accept any fee, reward, or gift of any kind from persons arrested or suspected of a crime, or from a friend on behalf of such a person.
 - 7. Communicate information which may enable any person to secure or conceal stolen goods or escape arrest.

8. Communicate, without permission, information or orders he may receive.
9. Neglect to wear prescribed uniform or appropriate attire and badge on duty.
10. Leave his zone or be absent from duty without permission of his superior officer, unless specifically authorized by rules.
11. Fail to return all property recovered or taken from persons arrested, as prescribed in this manual of procedure.
12. Fail to treat officers and members and all other persons civilly and respectfully at all times.
13. Fail to report to the proper officer, any member or employee guilty of violating any rule, regulation, or order of the Chief of Police.
14. Act insubordinate or disrespectful toward a superior.
15. Neglect his duty.
16. Conduct himself in a manner unbecoming to a police officer and detrimental to the service.
17. Commit any criminal offense.
18. Be incapable or inefficient in the service.
19. Disobey orders.
20. Sleep while on duty.
21. Use unnecessary force against persons under arrest.
22. Use coarse and insolent language to any member of the force or private person.
23. Receive a bribe of money or other valuable things.
24. Neglect to report for duty at the time prescribed.

25. Neglect to appear clean and tidy, with uniform buttoned, at all times in public.
26. Publicly criticize the official action of another officer without first informing the Chief or CEO.
27. Converse unnecessarily or excessively with citizens while on duty.
28. Be cowardice.
29. Be immature.
30. Use narcotic drugs or barbiturates without a prescription from a license physician and without notifying your supervisor.
31. Be overbearing, oppressive or tyrannical conduct in the discharge of duty.
32. Make a false official statement.
33. Fail to report known violations of laws or ordinances.
34. Violate any of these Departmental Regulations.

B. Charges resulting in Disciplinary Action may be made against members of this department for the commission of any prohibited act as stated in part A above.

2.10 TYPES OF DISCIPLINARY ACTIONS

Following are the types of disciplinary actions that may be used by the chief of CEO:

1. Oral reprimand
2. Written reprimand
3. Suspension without pay
4. Reduction in pay grade
5. Demotion
6. Dismissal

A. Generally, a suspension is to penalize an employee for a violation while a release from active duty is to protect the department and/or the employee while an alleged offense is being investigated.

- B. Authority to suspend from active duty is delegated to any supervisor whenever there is a violation of the rules or procedures, or for the preservation of good order and discipline, pending formal charges.
- C. Report of such suspension from duty shall be made as soon as possible by the supervisor to the Chief of Police and CEO, naming the employee affected and details of the reason for the action. In all cases the final decision for further action, suspension, demotion, or dismissal shall rest with the CEO.
- D. Dismissal
An employee may be dismissed by the CEO for just cause in accordance with city personnel rules and regulations.

IMPORTANT NOTE: Rule 2.09 and 2.10 may need to be tailored to your specific city considering your present personnel rules and regulations. Also, consideration must be given as to whether your charter or code gives employees "property rights" in their jobs. Your MTAS consultant will help you with this if requested.

CHAPTER 3 - UNIFORM, DRESS, AND APPEARANCE

3.01 PURPOSE

Uniform, dress, and appearance rules are established to present police personnel to the public who are clean and neatly groomed, to instill a degree of personal discipline among officers, to assure easy recognition of officers in the field, and to ensure that clothing and hair styles will not be a detriment to officer safety or job performance.

3.02 GENERAL

- A. Members shall maintain their uniforms and civilian attire and equipment in serviceable condition. Clothing shall be clean, pressed and not noticeably patched, torn or worn. Leather and metal equipment shall be well polished and in good order.
- B. All members shall wear their hair neatly trimmed, Male officers hair styles shall not extend to and reach the collar of their shirt or extend over the top of the ear. Sideburns will not extend below the bottom of the earlobe. Mustaches and other facial hair shall be neatly trimmed and moderate. Female members shall wear their hair casual, neatly trimmed or styled so that it does not fall below the shoulders and does not bulgeout from the side of head gear when worn.

CHAPTER 4 - TRAINING

4.01 TRAINING AND PERSONNEL DEVELOPMENT POLICY

- A. The policy of the (town, city) Police Department is to provide employees with training established by legal mandate or determined by the Department to be necessary.
 - 1. The Chief of Police and or his designee is responsible for the development, coordination, and presentation of training within the Department.

4.02 CERTIFICATION OF OFFICERS - T.C.A. 38-~~7~~8-107

- A. All officers employed after July 1, 1983, must successfully complete recruit training within one (1) year of their date of employment, and thereafter must successfully complete an annual in-service training session appropriate for their rank and responsibilities.
- B. Part-time and reserve officers employed by the city shall -----(optional)

4.03 BASIC TRAINING

- A. Basic training is the initial training and education provided to all members of the Department to prepare them to perform the duties of their particular job.

4.04 IN-SERVICE TRAINING

- A. Training provided to members to maintain their abilities and certification is a process of in-service training. This shall include, but is not limited to:
 - 1. Areas identified by the Chief and CEO.
 - 2. Areas in which retraining is needed to maintain certification.
 - 3. Areas mandated by the State of Tennessee.
- B. The Chief of Police or his designee shall develop, schedule, and coordinate in-service training.
- C. Officers will be selected for advanced or specialized training primarily on the basis of departmental need as assessed by the Chief and CEO.

CHAPTER 5 - ARREST AND PRISONERS

5.01 GENERAL

- A. Arrest - Arrest is the restraining and taking of another into custody for the purpose of bringing him before a court, body or official to answer for a crime or ordinance violation. When making arrests, members shall observe strictly the laws of arrest and these procedures:
1. Only the restraint necessary to assure safe custody and safety of the officer shall be employed. All suspects and prisoners shall be treated humanely and with regard for their legal rights.
 2. Arresting officers are responsible for the safety and protection of arrested persons in their custody. In case of injury, apparent illness, or other condition, they shall see that the arrested person receives medical attention and special care, and shall notify their immediate supervisor and include these circumstances in their written report.
 3. Whenever injury or property damage occurs as a result of an arrest or other police action, a copy of the report of the incident shall be forwarded to the Chief and CEO.

5.02 CAUSE FOR ARREST

A person may be arrested for violation of State law or city ordinance.

5.03 AUTHORITY TO ARREST

Any sworn police officer may make arrests TCA 40-7-101 for violation of State Law or violation of city ordinances within the jurisdiction of the city.

5.04 WHEN TO ARREST

- A. With a Warrant - An officer may arrest a subject if a warrant has been issued for his arrest. The officer need not have the arrest warrant in hand, but must have reasonable grounds to believe that a warrant has been issued.

B. Without a Warrant:

1. A subject may be arrested for a misdemeanor committed in the presence of the officer.
2. A subject may be arrested for a felony if it was committed in the officer's presence or the officer has reasonable grounds to believe the person is committing or has committed a felony.

5.05 USE OF FORCE (FORCIBLE ENTRY)

An officer may use reasonable force, in order to make an authorized arrest in compliance with Chapter 9 (Use of Force) and the following:

- A. Forcible Entry into buildings shall be permitted under two circumstances. (TCA 40-7-107)
 1. With warrant for arrest, where all other avenues of effecting the arrest without forcible entry have failed and circumstances prevailing at the time of the entry prevent delay.
 2. Without warrant for arrest, where circumstances are prevailing that threaten the life and/or safety of citizens or the arrestee.
- B. Forcible Entry into any structure to effect an arrest shall not be made lightly. The commanding officer on the scene or an officer who is under direction of a superior removed from the scene, shall be in charge of the operation. The supervisor shall formulate a plan of entry and shall brief, when possible, the officers involved in the operation before entry is attempted.
- C. Forcible Entry is a last resort and shall be used only when there is reasonable belief that delaying the arrest would place at hazard the safety of citizens or police personnel. When at all possible forcible entry shall not be used without the permission of the Chief of Police.

5.06 MIRANDA WARNING

All persons arrested shall be read their Miranda Rights. The arrestee's express or implied wishes as to whether or not to waive those rights will be honored.

5.07 BAIL

Persons charged with bondable offenses will be allowed to make bail before being incarcerated.

5.08 PERSONAL POSSESSIONS OF ARRESTEE

When a person is taken into custody, he must be given an itemized receipt for all money and property taken from his person.

5.09 RIGHTS TO NOTIFY FAMILY AND ATTORNEYS

Each prisoner is allowed to communicate with an attorney of his choice and family members by making a reasonable number of telephone calls or in any other reasonable manner. Such communications will be permitted within a reasonable time after arrival at headquarters. TCA 40-7-106 requires that the prisoner's first phone call should be allowed within one hour after arrest. In addition, the arrested person will be allowed to consult with his attorney in private at the place of custody.

5.10 APPEARANCE BEFORE A JUDGE

Upon completion of his arrest and booking, an arrestee must be taken, without unnecessary delay, before a court. If the court is not open after the booking has been completed, he may be held in custody until it is in session.

5.11 MOTOR VEHICLES OF ARRESTEE

Motor vehicles in the possession of arrested persons will initially be disposed of as requested by the arrested party, provided the disposition is reasonable, legal and safe. The arresting officer will assess the reasonableness of the requested disposition of the vehicle based on the facts he has, as to the reasonableness of the requested disposition of a vehicle. Should the requested disposition be unreasonable, illegal or unsafe the officer will dispose of the vehicle by requesting a tow truck for storage of the vehicle in the towing company's lot. Any vehicle to be towed will be attended at the scene of its apprehension until the towing agency arrives to take charge of the vehicle. Tow trucks will be rotating, predetermined scheduled service, unless the arrested party requests a specific tow service be called, or the vehicle demands some special service which only a specific company may provide. Tow charges will be assessed against the arrested person and will not be paid by the Police Department. Towing charges will not be added to

any bond, fine or other fee. The towed vehicle will be the responsibility of the towing company unless such vehicle is involved in an on going investigation requiring storage at the Police Station, in which case it will be towed to the Police Department and secured until such time that it is no longer required for investigatory purposes. No inventory will be conducted of such vehicles unless required in a criminal investigation. Disposition of vehicles will be noted on the person's arrest sheet. Any vehicle not towed will be secured at the scene of its resting place to protect the possessions of the arrested person from theft and/or destruction. Any vehicle which can not be secured will be towed as described above. An arrested party's request for disposition will be noted on the arrest sheet as well as the location of such disposition. If the arrested person's degree of intoxication is so great as to impair his sound judgement, the vehicle shall be towed to the towing company's storage lot.

5.12 ARGUMENTS DURING ARREST

Officers, during the course of an arrest or issuing a traffic citation, shall not allow themselves to become involved in arguments or discussions of the merits of the case. Information requested by the suspect as to procedure for handling citation or arrest shall be given courteously.

5.13 RECOMMENDING ATTORNEYS AND BAIL BONDSMAN PROHIBITED

Members shall not suggest or advise retention of a particular attorney or bail bondsman to any person as a result of police business. This does not apply when a relative of the member seeks such advice.

5.14 TRANSPORTING PRISONERS

Whenever possible, prisoners will be transported in screened vehicles. The prisoner will be handcuffed and restrained by use of the seat belt or other restraining device (unless circumstances dictate otherwise) in a manner that will prevent injury to the prisoner or to the police officer. Transporting officers shall search prisoners prior to placing them in the vehicle. Transporting officers shall search the area of the vehicle occupied by the prisoner prior to and after transportation. (See Procedure on Searches & Transport of Prisoners SOP 101.)

5.20 JUVENILES

- A. Definition - As defined by T.C.A. 37-1-102: A juvenile is any person under 18 years of age. No exception shall be made for a child who may be emancipated by marriage or otherwise, who commits delinquent act as defined by T.C.A. 37-1-102.
- B. Authority to Arrest -A peace officer shall arrest a juvenile pursuant to the laws of arrest, and take that juvenile into custody, with or without a warrant, when there are reasonable grounds to believe that the child has committed a delinquent act which, if committed by an adult, would be a felony or breach of peace, AND the child has been apprehended in commission of the act or fresh pursuit. The child may be taken into custody as provided by T.C.A. 37-1-113.
- C. Decision to Arrest - The decision whether to arrest a juvenile will, in most cases, follow the policy for the arrest of adults. However, officers also must consider the gravity of the offense, the age of the offender, etc., in the disposition chosen for apprehended juveniles.
- D. Disposition of Juvenile Offenders
1. The Juvenile Code of the State of Tennessee gives the juvenile court exclusive original jurisdiction. (T.C.A. 37-1-103)
 2. When the detention and custody of a juvenile is required, the arresting officer shall notify the Chief of Police. The supervisor shall, upon reviewing the facts of the arrest, make the decision whether to detain or release the juvenile.
 3. An officer taking a child into custody shall within a reasonable time:
 - a. Release the child to the parents, guardian or other custodian upon their promise to bring the child before the court when requested by the court unless detention or shelter care is warranted or required under T.C.A. 37-1-114,
- or
- b. Bring the child before the court or deliver the child to a detention or shelter care facility designated by the court or to a medical facility, if the child is believed to suffer

from a condition which requires prompt treatment. The officer shall give notice, together with a reason for taking a child into custody, to a parent, guardian, or other custodian and to the court.

E. Evidence and Testimony

All items of an evidentiary nature pertaining to a juvenile arrest shall be gathered and maintained in the same manner as for any criminal investigation. Arresting officers shall maintain records and shall be prepared to give competent courtroom testimony in all juvenile cases.

F. Releasing Information Concerning Juveniles

The names of juveniles involved in traffic collisions may be released in the same manner as are the names of adults. Requests for information regarding the names of juveniles involved in criminal offenses or inquiries regarding juvenile records shall be referred to the Juvenile Court.

CHAPTER 6 - VEHICLE OPERATION

6.01 DEPARTMENT VEHICLES

- A. VEHICLE REGISTRATION AND DRIVER'S LICENSE - All members of the department who operate a motor vehicle shall possess a valid Tennessee driver's license.
- B. USE OF DEPARTMENT VEHICLES
 - 1. Members shall not use department vehicles without permission of a supervisor.
 - 2. Failure to wear seat belts while operating or riding in departmental vehicles may be considered wrongful use of equipment.
 - 3. Pushing another vehicle shall not be done if the police car is not equipped with a push bar. Pushing a vehicle shall be done for the purpose of moving stalled or disabled vehicles from a hazardous location to a place of safety. Members shall exercise due care while pushing other vehicles.
 - 4. Ignition keys shall be removed from all department vehicles when members leave the immediate vicinity of the vehicle.
 - 5. Members shall be responsible for the care and security of vehicle equipment assigned to them. Members shall familiarize themselves with the proper operation of all equipment to them, including equipment carried in Department vehicles. All equipment shall be used in accordance with Department policy and common sense. Members who damage any Department vehicle or vehicle equipment shall immediately notify a supervisor.

6.02 OBEDIENCE TO THE LAW

- A. Under ordinary conditions, members of the department will obey all provisions of the law relating to the operation of vehicles.
- B. Under specified code three conditions, an officer may be exempt from obedience to certain motor vehicle laws when such obedience would cause unnecessary and unreasonable delay, however, reasonable judgement must prevail to protect the safety and welfare of others when using the exemption. (see Chapter 7 - High Speed

Pursuit; Rule 605 and 6.06)

6.03 TRANSPORTING INJURED PERSONS

Police Department vehicles will not be used to transport injured persons. An ambulance will be called. Exceptions to this rule shall be approved by a supervisor.

6.04 TRANSPORTING CITIZENS

Citizens shall be transported in department vehicles only when necessary to accomplish a police purpose. Such transportation shall be done only at the direction of or with the permission of a supervisor.

6.05 THE EMERGENCY CALL - CODE THREE

- A. Code Three Definition - Emergency assignment, lights and sirens in use.
- B. CODE THREE may be justified if any of these elements are present:
 - 1. The preservation of life.
 - 2. Crime of violence in process.
 - 3. The prevention of a crime of violence.
 - 4. An immediate pursuit.
 - 5. A unit at the scene requests another unit Code Three.
- C. Most emergency calls received by field officers are dispatched by police radio. Prior to assigning a call to a field unit, communications personnel determine whether the call shall be dispatched as an emergency. The officer receiving the call is justified in accepting the Communications Center decision that emergency response is required.
- D. When a call is based on information received from sources other than police radio, the determination as to whether the call constitutes an emergency rests with the officer. This decision must be predicated on information sufficient to justify emergency response.

6.06 USE OF THE EMERGENCY EQUIPMENT

- A. When officers are on an authorized emergency run (Code Three) or in High-Speed Pursuit (see Chapter 7):
 - 1. A marked police unit shall have blue lights and siren in operation.

2. An unmarked police unit shall have the concealed siren, portable blue light, and headlights (including daytime) in operation.
 3. Under no circumstances shall police units not equipped with sirens be used as emergency vehicles.
- B. The blue light alone may be used as a means of stopping violators or suspects, or minimizing possible traffic hazards. The siren should be activated only when it is apparent that the blue lights alone have not attracted the attention of the violator.
- C. Police emergency escorts are generally prohibited. Exceptions are at the discretion of the shift supervisor.
- D. The emergency driver's exemption privilege applies to an officer's driving only when:
1. The officer is driving an authorized emergency vehicle; AND
 2. The officer is responding to a bona fide emergency, or believes that to be the case; AND
 3. The officer is sounding the siren and is displaying the vehicle's lights; AND
 4. The officer is driving with due regard for the safety of all persons using the highway; AND
 5. The exercise of the exemption privilege is the reasonable and prudent act of an emergency driver under the existing circumstances.
 6. As provided by T.C.A. 55-8-108
Emergency drivers must be prepared to evaluate their driving skills in terms of existing circumstances and in terms of the goals of the police service. Emergency drivers should guard against driving beyond their ability or judgment.

6.07 ACCIDENTS

- A. All accidents involving city vehicles where serious injury or death occurs shall be investigated by the Tennessee Highway Patrol.

CHAPTER 7 - HIGH SPEED PURSUIT

7.01 HIGH SPEED PURSUIT DEFINED

- A. For the administrative purpose of the Police Department, High Speed Pursuit shall be defined as: "the motorized pursuit of another vehicle at speeds that exceed the legal speed limit".

7.02 STATE LAW REFERENCE

T.C.A. 55-8-108 provides for emergency operation of a police motor vehicle as follows:

- A. The driver of an authorized emergency vehicle when responding to an emergency call or when in pursuit of an actual or suspected violator of the law, or when responding to but not returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.
- B. The driver of an authorized emergency vehicle may:
 - 1. Park or stand, irrespective of the provisions of this chapter.
 - 2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operations.
 - 3. Exceed the speed limit so long as he does not endanger life or property.
 - 4. Disregard regulations governing the direction of movement or turning in specified directions.
- C. The exemptions herein granted to an emergency vehicle shall apply only when such vehicle is making use of audible and visual signals meeting the requirement of the applicable laws of this state, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from the front of the vehicle.
- D. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

7.03 GENERAL CONSIDERATIONS AND GUIDELINES

- A. As a general rule, high speed pursuit is not recommended or favored when the potential danger to the officer and the general public outweighs the potential advantage of apprehending a fleeing vehicle by such means. Simply stated, pursuit is clearly inappropriate when the pursuit endangers life more than the person being pursued endangers life.
- B. Delay shall be considered the wiser choice when the person is known and he or she poses no immediate threat to the community. On the other hand, it is not in the best interest of the public safety to advocate a policy that would encourage the dangerous driver, the car thief, or the fleeing criminal to proceed without the imminent possibility of police intervention.
- C. Each officer must use good common sense in determining whether to commence a pursuit bearing in mind the guidelines outlined herein.
- D. Many factors must have a bearing on his choice with some of the major ones as follows:
 - 1. Road Conditions
 - 2. Traffic Conditions
 - 3. Time of Day
 - 4. Nature of Offense
 - 5. Nature of area through which pursuit is being attempted
 - 6. Identity of the violator, and the possibility of arrest at a later time.
- E. The decision to pursue is NOT IRREVOCABLE, and it is the intelligent officer who knows when to discontinue the pursuit. The experience and common sense of each officer coupled with his concern for the safety of the public and himself should guide him in his decision.

7.04 HIGH SPEED PURSUIT PROCEDURE

- A. When the decision to pursue is made, each officer is responsible for observing the specific procedures that follow:
1. A continuing high speed pursuit (over a greater distance and for a longer period of time) is authorized when the pursuing officer:
 - a. Has reasonable grounds (probable cause) to arrest the person being pursued for a serious felony or crime amounting to a serious felony or any felony involving the use or threat of physical force OR
 - b. When the vehicle being pursued is operating in any such manner that the public safety is seriously endangered.
 2. Only plainly marked patrol units shall be used for continuous pursuit. If the initial pursuit must be undertaken by another vehicle (unmarked), such vehicle shall immediately abandon the pursuit when a marked unit has intercepted and undertaken to continue the pursuit.
 3. Only one primary patrol unit shall be in actual pursuit and no more than one secondary unit assisting unless directed otherwise by a supervisory officer.
 - a. Secondary response units shall yield the right of way to the pursued and the pursuing vehicles and will not become directly involved in the pursuit, observing applicable traffic laws. Secondary units will maintain a safe distance between themselves and shall be available to assist in the apprehension. Under no circumstances will there be caravanning or paralleling at pursuit speeds.
 - b. Only those units dispatched shall respond to the immediate vicinity of a high speed pursuit for the purpose of assisting in the apprehension.
 4. Upon commencing pursuit, the officer shall immediately activate emergency equipment; blue lights and siren, and make radio contact with the dispatcher and communicate the following information:

- a. Identity of officer's unit
 - b. Exact location and direction of travel
 - c. Description of pursued vehicle, make model, color and year, if known
 - d. Tag number and state, if known
 - e. Reason for pursuing vehicle
 - f. Number of occupants in pursued vehicle with sex, race, and approximate age, if possible
 - g. The pursuing officer shall maintain contact with the dispatcher and keep the dispatcher and other units informed of direction of travel of the pursued vehicle.
5. When it is anticipated the pursuit will enter another jurisdiction, the appropriate police agency will be notified with all pertinent information.
6. Primary command responsibility shall rest with the dispatcher under the direct control of a supervisory officer.
 - a. If the officer receives a communication to terminate pursuit from a supervisor, he will immediately do so, reporting to the dispatcher the location and direction of travel of the pursued vehicle at the time of termination.
 - b. The pursuing officer shall constantly weigh the necessity of the pursuit considering such factors as the safety of the public, conditions of the road, and so on. If at any time, he feels the pursuit is a greater threat to the public safety than the offender being pursued, he will terminate the pursuit and notify the dispatcher of his decision and relay the last location and direction of travel at the time of termination.
7. The police unit shall, at all times, maintain such distance from the pursued vehicle so a sudden stop or change of direction of the pursued vehicle would not result in a collision.
8. Police units should never approach or enter an intersection at a speed greater than that which the officer could stop his vehicle should another vehicle enter from the intersecting street.

9. Intentional contact between the police unit and the pursued vehicle (bumping and ramming) will not be tolerated.
10. Roadblocks shall not be placed on any street or thoroughfare within the city unless the roadblocks are ordered by a supervisory officer in charge. Private vehicles shall not be commandeered for the use in any roadblock. Roadblocks are used only to slow down the pursued vehicle, not to stop it; therefore, a channel or avenue of escape must be left open. All approaching traffic must be advised of the roadblock and kept a safe distance away.
11. Firearms shall not be discharged by an officer while driving or occupying a vehicle engaged in high speed pursuit except as a last resort to defend himself or a citizen. In all cases, every precaution shall be taken to ensure the safety of the general public in the vicinity.
12. High speed pursuit is not recommended when the police vehicle is occupied by other than law enforcement officers. Any non-law enforcement officer in the unit should be let out or transferred to another unit before initiating high speed pursuit.
13. Any officer who participates in a high speed pursuit shall, prior to going off duty at the end of his shift, document the fact in report form to be submitted to his immediate supervisor and forwarded to the Chief of Police and CEO.

CHAPTER 8 - FIREARMS AND OTHER WEAPONS

8.01 DEPARTMENT POLICY

It is the policy of this department that officers shall not unnecessarily or unreasonably endanger themselves in applying these rules to action situations. Officers shall attempt all reasonable means of apprehension and control within their command before resorting to the use of deadly force. Caution shall be exercised for the protection of other life and property whenever a weapon is discharged. Violations of the provisions of this chapter will be considered serious breaches of discipline, and will be dealt with in a severe manner.

8.02 USE OF DEADLY FORCE

Officers may use deadly force: (See Chapter 9)

- A. To defend themselves or other persons from what the officer reasonably perceives as an immediate threat of death or serious injury.
- B. To effect an arrest or prevent an escape when an officer reasonably believes the suspect or escapee has taken or endangered human life, or will endanger human life; and alternative means have been attempted or would involve a risk of death or serious injury to the officer or others.

8.03 DRAWING OF FIREARMS OR OTHER WEAPONS

Officers shall not unnecessarily draw or display any firearms or other weapon. Officers are justified in drawing a weapon when they perceive a life-threatening situation or threat of serious injury.

8.10 CARRYING FIREARMS AND AMMUNITION

- A. Concealment - All handguns shall be carried concealed except when officers are in police uniform or within the confines of a police building. The grips may be in view if not conspicuous.
- B. Ammunition Carrying for Firearms - Cartridges shall not be carried loose, but shall be secured in clips, dump pouches, speed loaders, or magazines. Containers for these items shall have a securing flap when worn on the duty belt or while in uniform.
- C. Use of Approved Firearms and Ammunition - All firearms and ammunition used by members of the department shall

be approved by the Chief and CEO.

- D. Carrying Firearms Off-Duty - All firearms and ammunition carried off duty shall be approved by the Chief and CEO. Members not certified by P.O.S.T. and/or not qualified with specified firearm shall not carry said firearm off-duty. Members shall be required to submit an Off Duty Weapon Request/Authorization form for approval by the Chief and CEO.

8.11 UNNECESSARY HANDLING OF FIREARMS

- A. Handling of weapons in an unsafe manner or when not necessary is prohibited.
- B. A firearm shall not be cocked manually unless it is necessary for the operation of that weapon or in order to employ accurate single action fire against a distant target.

8.20 FIREARMS TRAINING AND QUALIFICATIONS

8.21 FIREARMS QUALIFICATIONS

- A. All commissioned officers are required to attend regularly scheduled Department Firearms Training and Qualification Exercises, and to achieve a qualifying score in accordance with P.O.S.T. standards at such exercise with the weapon normally carried on duty. Officers shall not carry any weapon type on or off duty with which they have not achieved a qualifying score on the Department Qualification Course.
- B. Officers who fail to achieve a qualifying score shall attend remedial firearms training. Failure to achieve a qualifying score after attending remedial firearms training may result in suspension. After one week on suspension, officers who have failed to achieve a qualifying score may be terminated for failure to maintain standards.
- C. Firearms qualification is required for any firearm classified as an off-duty firearm.

8.30 DISCHARGING FIREARMS

8.31 General

Firearms may be discharged by an officer in the performance of a police duty:

- A. At department qualifications or firearms training.

- B. At an approved range.
- C. For test firing by the Crime Laboratory.
- D. To kill seriously injured or dangerous animals in an emergency.
- E. When the use of deadly force (as stipulated in Rule 8.02 and Chapter 9) is authorized.

8.32 PROHIBITED USE OF FIREARMS

Officers shall not discharge their firearms:

- A. As a warning.
- B. From a moving vehicle.
- C. At the occupant of a moving vehicle unless deadly force is being used against the officers by that vehicle's occupant(s). (See rule 8.02 and Chapter 9)
- D. Unless the officer, in his judgement, has a clear field of fire.
- E. Unless the officer, in his judgement, reasonably believes that the suspect can be hit.
- F. When danger to innocent bystanders and/or property is greater than the danger the suspect poses to same.

8.33 REPORTING A FIREARMS DISCHARGE

- A. Any officer discharging any firearm either accidentally or intentionally except at an approved firing range, shall immediately report the incident to his supervisor.
 - 1. Upon making such notification the officer discharging the weapon will prepare and submit a detailed written report of the incident including all pertinent information, including any witnesses. The written report shall be submitted to the immediate supervisor and forwarded through proper channels to the Chief of Police and CEO.
 - 2. Upon being notified of the discharge of any weapon by an officer, the supervisor on duty shall make a preliminary investigation immediately and determine if the Chief of Police shall be notified at once or wait until his next duty tour if not on

duty.

3. A complete investigation of circumstances and conditions surrounding the discharge may be made by officers appointed by the Chief, and a written report shall be furnished the Chief and CEO.

8.34 REPORTS OF SHOOTING INCIDENTS (WHERE PERSON IS SHOT)

Whenever an officer is required to shoot another person or is shot by a suspect, or an innocent person is hit by gunfire, the Chief of Police and the CEO shall be notified immediately by the supervisor on duty.

1. Immediately after notification to the officers listed above, the District Attorney General and the Tennessee Bureau of Criminal Identification shall be notified, after approval by the Chief and CEO.
2. The Chief of Police shall make an investigation into the shooting incident, but in all cases the Tennessee Bureau of Criminal Identification and the District Attorney General shall be requested to make an independent investigation and proceed accordingly.
3. Any officer involved in a shooting incident where a person is shot, may be placed on administrative leave (with pay) until investigation is completed or the Chief of Police determines the officer may return to duty.

8.40 FIREARMS INSPECTION

8.41 ANNUAL INSPECTION

All authorized firearms shall be inspected at least once annually by the Chief of Police. A record shall be kept by the Chief and the officer indicating the date of the inspection and the results of the inspection.

8.42 INSPECTION OF WEAPONS CONFISCATED

Members shall inspect all firearms that come into their possession. These weapons shall be unloaded immediately unless investigative requirements dictate otherwise. All firearms shall be unloaded prior to being placed in the police evidence and supply section.

8.50 BATONS

8.51 USE OF BATONS

In circumstances do not warrant the use of deadly force, the baton may be used: (See Use of Force Chapter 9)

- A. When officers are defending themselves or others from bodily harm.
- B. To make an arrest when resistance is encountered and other reasonable means have failed.
- C. To subdue persons who have threatened bodily harm to themselves or others, if other means of control are impractical.

8.52 BATON SPECIFICATIONS

- A. Authorized batons shall:
 - 1. Be made of hardwood or hard plastic and shall be black or natural in color.
 - 2. Not be larger than 26 inches nor shorter than 20 inches.
 - 3. Not weigh more than 24 ounces.
 - 4. Not be altered or weighted in any way except for identification purposes.

CHAPTER 9 - USE OF FORCE

9.10 GENERAL

The following rules and regulations regarding the use of force are overall guidelines and must be applied to specific situations as strictly as possible with good judgement. The ultimate purpose of this chapter is to define the circumstances and conditions under which force may be used to prevent an offense from being committed and to effect an arrest.

9.20 UNNECESSARY FORCE

Unnecessary force is defined as any force in excess of that necessary to accomplish a legitimate task. An officer is never justified in using unnecessary force and can be held criminally as well as civilly liable for his acts.

9.30 NON-DEADLY FORCE

An officer may use necessary physical force not calculated to cause serious physical injury or death, including the proper use of the baton, to effect an arrest for a felony or misdemeanor, to prevent injury to himself or others, or to prevent the escape from custody of any subject.

9.40 DEADLY FORCE: DEFINED

For the administrative purposes of the Police Department, Deadly Force shall be defined as "any use of force by a police officer that entails the utilization of any firearm, weapon, item of police equipment, or explosive device that is designed or possesses an inherent purpose of design to cause death or severe bodily injury when applied in accordance with proper training procedures".

9.41 DEADLY FORCE: TO PROTECT LIFE

A member of the (town,city) Police Department is authorized to use such force as necessary, to include deadly force, whenever circumstances exist where the use of such force is the only reasonable alternative to protecting the life of the officer utilizing such force, or the life of another person. When using deadly force to protect life, the element of effecting an arrest need not be present. In such cases, the singular purpose of using deadly force is for protection of life. The officer in using deadly force must act in accordance with the "Reasonable Prudent Person" Doctrine, i.e., what a reasonable prudent man would be expected to do in similar conditions.

9.42 DEADLY FORCE: TO EFFECT AN ARREST

Deadly force to effect an arrest may be used only after the criteria are met as stipulated in T.C.A. 40-7-108. Deadly force is authorized to effect an arrest only if all other reasonable means of apprehension have been exhausted, and, where feasible warning has been given the defendant by the officer identifying himself or herself as an officer, or the officer gives an oral order to halt or an oral warning that deadly force might be used, and:

- (1) The officer has probable cause to believe the defendant has committed a felony involving the infliction, or threatened infliction, of serious physical harm to the officer or to any person in the presence of the officer, or
- (2) The officer has probable cause to believe that the defendant has committed a felony and poses a significant threat of serious physical harm, either to the officer or to others, unless he is immediately apprehended.

No warning shots shall be fired. Deadly force may not be used if it creates more risk or danger to innocent bystanders and/or property than does the suspect.

9.43 DEADLY FORCE: DISCUSSION

- A. Use of deadly force that results in the death of a subject who committed a non-capital offense or any offense that carries a maximum sentence less than life/death could easily be considered by the courts as an unreasonable seizure of a person under the 4th Amendment's reasonable search and seizure doctrine. Any officer who uses deadly force to effect an arrest must be aware that only under the gravest circumstances should he be allowed to execute a sentence, via use of deadly force, that is more severe than that set by the courts.
- B. As a result of sanctioned firearms training, police officers in the (town,city) Police Department are trained to shoot at the center of mass of the intended target. Consistent with this training, the possibility of death and/or bodily injury being inflicted upon the subject of such use of force is great. The philosophy of this Department's employment of firearms is to shoot to arrest. DO NOT SHOOT TO KILL. Only that amount of force to effect an arrest/apprehension shall be utilized.

9.44 DEADLY FORCE: GENERAL PROVISIONS

- A. No form of deadly force shall be used that would pose a substantial risk to innocent bystanders, which is greater than the substantial risk to a person whose life is being defended if defense of others or self-defense is the reason for use of deadly force.
- B. The use of deadly force is NOT obligated by any statute. It is a personal decision to be made by each individual officer when faced with the circumstances, as they appear to him at the time.
- C. With regard to self-defense, a member is authorized to use deadly force to protect himself or another from death or serious bodily harm, provided the member can show there was a real and present danger threatened and he reasonably believed that he or another was threatened with death or serious bodily harm at the time such force was used.
- D. The value of human life far outweighs the gravity of an offense that does not inflict, or threaten to inflict, serious bodily harm. Consequently, deadly force shall not be used to effect the arrest of a person who is to be charged with any misdemeanor offense, or any non-capital felony offense.

CHAPTER 10 - DOMESTIC VIOLENCE

10.10 PROVISIONS

The following provisions are amendments to Tennessee Code Annotated 40-7-103, Domestic Violence, and will govern the actions of officers of the Town of Dover Police Department in all domestic violence incidents.

- A. When a law enforcement officer responds to a domestic violence call and finds the victim and alleged assailant are both present, such officer may arrest the alleged assailant without a warrant if:
 - (1) Such officer actually observes the commission of an assault and battery or more serious offense against the victim; or
 - (2) Such officer has probable cause to believe that an assault and battery or more serious offense against the victim has been committed though not in his presence and that more violence will occur if the alleged assailant is not immediately taken into custody.
- B. When a law enforcement officer responds to a domestic violence call and the alleged assailant is no longer present, such officer shall:
 - (1) Offer to transport the victim to the location where arrest warrants are issued in that city or county and assist the victim in obtaining an arrest warrant against the alleged assailant; and,
 - (2) Offer to transport the victim to a place of safety such as any shelter or other similar service available in the community or the residence of a friend or relative.
- C. If the victim of domestic violence declines a law enforcement officer's offer of transportation pursuant to subsection "B", such officer shall advise the victim of the availability of a shelter or other services in the community and give the victim immediately notice of the legal rights and remedies available by furnishing the victim a copy of the attached statement as presented in 10.20, Domestic Violence Victim Rights.
- D. When a peace officer investigates an allegation that an incident described herein occurred, the officer

shall make a complete report to be filed with the officer's supervisor and in a manner which will permit a compilation of data on domestic violence cases. A copy of the Law Enforcement Domestic Abuse Form is attached as 10.30.

IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the District Attorney General to file a criminal complaint. You also have the right to go to the court having jurisdiction over domestic relations and file a petition requesting an order for protection from domestic abuse, which could include the following: a) an order restraining the abuser from further acts of abuse; b) a order directing the abuser to leave your household; c) an order preventing the abuser from harassing you or coming about you for any reason; d) an order awarding you or the other parent custody of or visitation with your minor child or children; e) an order directing the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so.

It is also permissible for you to make a citizens arrest of the assailant and I will transport the assailant.

The area crisis line _____ (program) _____
(phone) _____ and/or the following domestic violence
shelter/programs are available to provide you with services
and/or shelter:

_____ (program) _____ (phone) _____
_____ (program) _____ (phone) _____

The names and phone numbers for the area crisis and/or domestic violence service will be provided by the Department of Human Services.

10.30

LAW ENFORCEMENT DOMESTIC ABUSE FORM

COMPLAINT # _____
APPROVING SUPERVISOR _____

VICTIM'S NAME _____ DATE _____ TIME _____
ADDRESS _____ PATROL ZONE _____
PHONE (Where can be reached) _____ OFFICER _____
ASSAILANT'S NAME _____
ADDRESS (If not the same) _____
PHONE (Where can be reached) _____

ASSAILANT IS VICTIM'S _____ SPOUSE _____ EX-SPOUSE _____ BOYFRIEND
GIRLFRIEND _____ OTHER _____

WEAPON INVOLVED? _____ YES _____ NO DESCRIBE _____
VISIBLE INJURIES? _____ YES _____ NO DESCRIBE _____

WAS VICTIM TRANSPORTED TO HOSPITAL? _____ YES _____ NO
WHICH HOSPITAL? _____

HOW WAS CALL RECEIVED (who contact the dispatcher?)
_____ VICTIM _____ NEIGHBOR _____ FAMILY MEMBER _____ OTHER _____

IS THIS A REPEAT CALL FOR THIS OFFICER? _____ YES _____ NO

OFFICER ACTION:

_____ INFORMED VICTIM OF AVAILABLE SERVICES
_____ TRANSPORTED VICTIM TO SAFE PLACE
_____ CUSTODIAL ARREST WITH WARRANT
_____ CUSTODIAL ARREST WITHOUT WARRANT
_____ CITATION
_____ OTHER _____

DID VICTIM HAVE RESTRAINING ORDER? _____ YES _____ NO
ORDER OF PROTECTION? _____ YES _____ NO

CHAPTER 11 - OFF DUTY EMPLOYMENT

11.01 CRITERIA FOR OUTSIDE EMPLOYMENT

11.02 GENERAL

- A. Outside employment is defined as activity performed by an (town, city) Police Department employee for which compensation is received from an employer other than the City of (town, city) including self employment.
- B. Members must request authorization for outside employment from the Chief and CEO in writing and must receive permission from the Chief and CEO in writing. The Chief and the CEO reserves the right to disapprove any outside employment or deny any member permission to engage in outside employment.
- C. Outside employment shall not interfere with a member's job performance with the (Town, city) Police Department.
- D. Members shall not engage in outside employment while on duty.
- E. Any outside employment in a law enforcement type capacity (i.e. private investigator, security guard, part-time patrolman with another dept., etc.)

IMPORTANT NOTE: Your city might want to allow members to engage in outside law enforcement employment. If so the following statement for E could be used. However, this type of outside employment leads many cities and their officer to litigation.

(OPTIONAL) Members engaging in outside employment in a law enforcement capacity are subject to all rules and procedures that govern on duty officers. The authority of the Police Department and command and supervisory officers shall prevail at all times over the authority of any outside employer in regard to a member's police responsibility. No outside employer may direct a police officer to fail to enforce any state or city code.

- F. Members engaging in outside employment shall take appropriate police action and complete reports on any police matters or any police activities in which they engage.

- G. No authorization will be granted for outside employment that may be reasonably construed to be in conflict with law enforcement duties or detrimental to the Police Department.
- H. No member shall enter into an agreement with any individual or concern to furnish any type of police or guard service in exchange for free or reduced rent.

CHAPTER 12 - NEWS MEDIA RELATIONS

12.10 NEWS MEDIA RELATIONS

- A. An atmosphere of trust, cooperation, and mutual respect for the working needs of the news media and the police are vital goals of news media relations.
- B. Relationships between the news media and the police shall be maintained in a courteous, professional manner.
- C. The department shall take all necessary steps to ensure prompt and impartial disclosure of information in all crimes or incidents of importance or interest to the news media, except in cases:
 - 1. When such disclosure would prejudice the outcome of an investigation or court proceeding;
 - 2. When such disclosure is prohibited by law;
 - 3. When such disclosure would prejudice the safety, rights, or privileges of persons identified in investigations; or
 - 4. When such disclosure would be likely to cause public hysteria or panic.

12.20 RELEASE OF INFORMATION

Any official news release from any unit of the department shall be coordinated and authorized by the Chief of Police and CEO.

12.21 RELEASE OF INFORMATION PRIOR TO ARREST

Information that will not prejudice the investigation or prosecution of crime may be released, and the victim may be identified. Information may be divulged that might aid in a suspect's apprehension or warn the public of danger. Officers may request assistance from the news media in gaining evidence or information concerning a crime.

12.22 RELEASE OF INFORMATION AFTER AN ARREST

- A. It is generally appropriate to disclose:
 - 1. The defendant's name, age, residence, employment, marital status, and similar background information.

2. Substance or text of the charge as contained in the complaint, information, or indictment.
 3. Circumstances immediately surrounding the arrest, including time and place of arrest, any resistance, pursuit, possession or use of weapons, and generally descriptions of any items seized.
 4. The identity of a complainant when appropriate.
- B. Care should be exercised by all personnel that information divulged is not detrimental to any investigation nor prejudicial to a subsequent prosecution. All members of the department should be aware of the dangers of prejudice in making any pre-trial disclosure.

12.23 ITEMS OF AN EVIDENTIARY NATURE

Items of evidentiary nature shall not be disclosed prior to trial. These are examples:

1. Opinions regarding the arrestee's guilt or innocence.
2. Precise descriptions of items seized or discovered during the investigation.
3. Statements regarding the character, reputation, credibility, anticipated testimony, or prior criminal background of an accused person or prospective witness.
4. Admissions, confessions, or the contents of a statement attributed to an accused person.
5. The performance results of certain tests, or the refusal of the accused to take certain tests.
6. The possibility of a guilty plea to the offense charged or to a lesser offense.
7. Opinions concerning evidence or arguments in a case, whether or not it is anticipated that this evidence or argument will be used at trial.

STANDARD OPERATING PROCEDURE

101 SEARCH AND TRANSPORT OF PRISONERS

A. Searches of Persons:

1. When Permitted:

a. When checking out a suspicious person in order to assure that he has no weapon by which he may harm the officer.

b. Incidental to an arrest.

c. With a search warrant.

2. Multiple Searches: Whenever two or more person must be searched, an officer should secure assistance from other police personnel.

3. Search of Women:

a. Whenever possible, female police personnel will be used to search women suspects or prisoners.

b. When female police personnel are unavailable, male officers may make a cursory search of female prisoners for weapons. Such a search will be restricted to:

1. Outer garments (coats, jacket, etc.)

ii. Purse, handbag, sacks, etc.

c. Before placing her in the squad car, the officer shall handcuff her hands behind a female prisoner as with any other prisoner. Purses, sacks or bags should be taken from her possession and kept with the officer.

4. Responsibility for Safety of Others: Besides being responsible for his own safety, an officer must assure that prisoners turned over to jail personnel are unarmed for the safety of turnkeys and other prisoners.

B. Handcuffing Prisoners:

1. Purpose: Handcuffs are used on prisoners in order to reduce the possibility of escape, protect the officer and protect the prisoner.

2. When Used: Handcuffs should be used when (a) the prisoner is violent or belligerent; (b) the officer feels the prisoner may attempt escape; or (c) the officer feels the prisoner may attempt to assault him or inflict self-injury.
3. Procedure: The prisoner's hands will always be cuffed behind him. NEVER handcuff a prisoner to a vehicle. If at all avoidable, do not cuff a prisoner to a stationary object (telephone pole, etc.) for extended periods of time.
4. Females and Juveniles:
 - a. Officers are permitted to handcuff females and juveniles for the same reasons as other prisoners.
 - b. NEVER handcuff juveniles to adults or females to males.
5. Care of handcuffs: Officers are responsible for the good working order of their handcuffs. Handcuffs shall be regularly cleaned.

C. Transporting Prisoners:

1. Women Prisoners:
 - a. Call for assistance of female police personnel if necessary.
 - b. Female Prisoners should be cuffed and placed in the rear of vehicle as other prisoners.
 - c. If a search is necessary, follow search procedures listed above.
2. Male Prisoners:
 - a. Thoroughly search all male prisoners before placing them in a police vehicle.
 - b. Each prisoner should be handcuffed with his hands behind his back if he is considered dangerous or likely to attempt escape.
3. When leaving the place of arrest, officers are to contact the dispatcher, informing him of departure, destination, time and mileage. When arriving at headquarters, the dispatcher should be notified of their arrival, again reporting the time and mileage.

4. Officers should not let prisoners smoke in a patrol car.
5. Officers should be especially watchful of prisoners when stopping for any reason.
6. Other Safety Precautions:
 - a. Officers shall always walk a safe distance behind prisoners; close enough to retain control and not allow anyone to get between him and the prisoner.
 - b. Keep gun side away from prisoner at all times.
 - c. Never get between two prisoners when walking with them.
 - d. Do not stop at a prisoner's home or any other place to allow prisoner to get bond money, call a lawyer, etc.
 - e. Never allow a prisoner to go alone to another room for clothes, etc.
 - f. Suspects shall be placed in the back seat, right side when transported in patrol vehicles.
7. Female and Juvenile Prisoners:
 - a. If possible do not transport juvenile and adult prisoners together.
 - b. When possible, do not transport male and female prisoners together.
8. Searching Vehicle Before and After Transport: The transporting officer will search the transporting vehicle for weapons and/or contraband that may have been secreted in the vehicle by the prisoners. This procedure is required before and after every prisoner is removed from a police vehicle.
9. Injured/Unconscious Prisoners
Members should never place an unconscious prisoner in a police vehicle. In the case of an unconscious prisoner, the member should notify Communications and request an ambulance to respond to the member's location. When members are transporting prisoners outside the City of (town, city)

the Communications Center shall contact the nearest medical agency servicing the area and request they respond to the member's location. When emergency medical services are unable to respond to the member's location within a reasonable length of time, after receiving authority from a supervisor, the member then is authorized to transport the unconscious prisoner to the nearest hospital in order to save the prisoner's life.

STANDARD OPERATING PROCEDURES

102 HANDLING RESIDENTIAL COMPLAINTS

- A. Upon Arrival: Upon arrival the officer must first ascertain who the complainant is and what his location is. He must then gather all the facts of the complaint and determine whether or not an offense/violation has occurred.
- B. Courtesy Required: An officer shall in all cases remain courteous to the complainant.
- C. Impartiality Required: Officers should always remain neutral and impartial.
- D. Police Response:
 - 1. If an offense/violation has occurred and police action can be taken, the officer should so advise the complainant.
 - 2. If an offense/violation has occurred and the police can take no action without the further assistance of the complainant (such as signing a warrant), the officer should so advise the complainant.
 - 3. If no police action is warranted, based upon the facts learned, the officer should so advise the complainant and explain why.
 - 4. If no offense/violation has occurred but the complaint is likely to be resolved by another agency (city, county or state), the officer should so advise the complainant and, when possible, assist the complainant by notifying the responsible agency.

NOTE: See Chapter 10 concerning Domestic Violence Calls

STANDARD OPERATING PROCEDURE

103 HANDLING DRUNK COMPLAINTS

A. Passive Drunks:

1. Proceed to the location immediately but within the speed limits.
2. If the subject is reported to have a weapon, officers may carry a shotgun. Search for weapons and seize them immediately.
3. Check the subject's condition for injuries and intoxication.
4. If the subject has injuries, administer first aid and seek medical attention and ambulance where necessary.
5. If intoxicated, take into custody, following procedures outlined under handling of prisoners.(SOP 101)
6. ALWAYS handle the subject as gently and courteously as he will allow. NEVER shove him into a vehicle, booking room, cell or allow him to fall.
7. Complete all necessary booking procedures and reports and return to assigned duties.

B. Aggressive Drunks:

1. Call for assistance.
2. Regulate speed so that both cars arrive at the same time.
3. Exit the squad car with Baton in hand.
4. Follow procedures outlined in part A. above.

STANDARD OPERATING PROCEDURE

104

HANDLING SHOOTING OR KNIFING CALLS

- A. Minimum Response: At least two squad cars will be dispatched on calls of this nature, if possible. If there are not two cars on the street then emergency back up should be requested from other area law enforcement agencies.
- B. Action:
1. Extreme care should be exercised when arriving on the scene.
 2. Watch for the subject during arrival.
 3. Exit vehicle with shotgun, if deemed necessary.
 4. Locate the subject and weapon and seize at once.
 5. Locate the victim and secure proper medical treatment.
 6. If suspect has left the scene, secure identity or description and issue a pick-up.
 7. Protect the crime scene.
 8. Determine the facts and complete the appropriate reports.

STANDARD OPERATING PROCEDURE

105 HANDLING PROWLER CALLS

A. Approaching Scene:

1. Do not use blue lights or spotlight near scene.
2. If safe and practical, turn headlights off just before arriving at scene.
3. Use flashlights as little as possible until actual search begins.
4. Watch for fleeing suspect while enroute to call.
5. Notify the Dispatcher as soon as you arrive on the scene.

B. Action at the Scene: If the exact location of the suspect is unknown, contact the dispatcher quickly and request that they obtain the necessary information.

STANDARD OPERATING PROCEDURE

106 TRAFFIC PATROL

A. Enforcement Procedure:

1. Patrol cars will not travel at a speed either in excess of the legal limit (unless answering a code 3 call or in pursuit in accordance with Chapter 7) or so slowly as to pose a hazard to other drivers.
2. Frequent stops at areas with high accident ratios should be made as workload permits in order for the patrol car to be seen by passing motorists. Unless ordered to stay longer, these stops should be limited to ten minutes and should be varied as to time and location.
3. The patrol car should be parked in a conspicuous location unless in search of a particular violator known to the police.

B. Traffic Stops:

1. Use blue lights and a short blast of the sirens to notify violator to pull over.
2. If a violator fails to pull over, pull up beside violator's car and motion driver to curb. Refrain from shouting.
3. Upon receiving a call or starting a pursuit, the officer shall write down the exact time, and the license number of the violator's car and follow pursuit regulations in Chapter 7 and section F of this SOP.
4. Stop patrol car at curb, behind violator's car, slightly to the left to avoid being hit by passing traffic and APPROACH THE CAR WITH CAUTION.
5. Handling the violator:
 - a. Immediately but courteously tell the violator why he was stopped and if you intend to issue him a summons.
 - b. Have the violator remove his driver's license from his purse or billfold and hand it to you separately.

- c. Check the driver's license and registration, assuring yourself of the driver's identification and the validation of the license.
- d. Request his cooperation and obedience to traffic laws and tell him specifically and clearly what you want him to do. For example: go with you to the station; appear in court at a specific time, and place; or if warning him, request that he refrain from repeating the violation.
- e. If the subject refuses to sign the citation, he should be arrested.

C. Tolerance and Warning Policy:

- 1. Enforcement in Accidents: Charges of specific violations, WARRANTED BY EVIDENCE, shall be preferred against individuals involved in traffic accidents. Enforcement action should be taken whenever physical evidence, direct evidence, and/or witnesses' testimony provide reasonable grounds for prosecution.
- 2. Full enforcement attention shall be given to these violations, regardless of time or place of occurrence:
 - a. Any violation in connection with an accident.
 - b. Driving while under the influence of intoxicants or drugs.
 - c. Reckless or careless driving.
 - d. Moving violations that create an immediate hazard.
 - e. All other moving violations that in the judgment of the officer are potentially hazardous.
- 3. Violation of Speed Laws:
 - a. Officers may make arrests or issue citations for violations in excess of the posted speed limit.
 - b. When a speeding violator is paced, the patrol car should be driven at the same speed as the

violator for at least 300 feet before making the stop.

c. Violations of school zone speeds should be more strictly enforced.

4. OFFICERS SHALL TAKE INTO CONSIDERATION ALL OF THE CIRCUMSTANCES AND CONDITIONS (ROAD, WEATHER, OTHER TRAFFIC PRESENT, AND CONDITION OF DRIVER AND VEHICLES) WHEN DECIDING WHETHER OR NOT TO MAKE AN ARREST OR ISSUE A VERBAL OR WRITTEN WARNING.

D. Driving Under the influence:

1. Arresting officers shall employ objective tests (obvious symptoms of impairment) in order to determine the physical condition of an operator suspected of D.W.I. These symptoms shall be recorded on the arrest form.
2. Officers shall investigate thoroughly to determine whether the driver is under the influence of intoxicating liquor or if his actions and condition are due to other causes.
3. Breath Analysis Tests (Intoximeter Tests) to determine the degree of intoxication shall be utilized for drivers suspected of D.W.I. If the test results show at least 10 hundredths of one per cent intoxication, a D.W.I. charge will be considered when other obvious symptoms are present.

E. Traffic Control Procedure:

1. Officers shall be on the alert for emergency situations and take immediate action to move emergency traffic to and from the scene.
2. Special Events:
 - a. The Shift Leader shall assign officers to particular intersection or areas to control traffic at special events.
 - b. Special traffic movement plans for these events shall have the same force and effect as normal traffic regulations.

3. Congested Areas and Intersections:

- a. When normal mechanical controls are not adequate to handle traffic and keep it moving, officers shall take control of intersections or street areas during periods of congestion.
- b. Acceptable traffic direction hand signals, as determined by the Chief of Police and taught in training sessions, shall be used.

F. Traffic Violator Pursuits

There shall be no high speed pursuits of simple traffic violators who are being chased for minor misdemeanor type violations. For regulations regarding pursuits refer to chapter 7.

G. Disposition of Arrestee's Vehicle:

When an arrest is made of the driver of a motor vehicle the vehicle will be disposed of according to the provisions of this manual RULE 5.11, based on the circumstances prevalent at the time of the arrest.

STANDARD OPERATING PROCEDURE

107 TRAFFIC CITATIONS

A. Purpose of Traffic Citations

Traffic citations should affect those cited in such a manner that they will not commit the violations again. Enforcement shall be equitable. For effectiveness, traffic enforcement should be continuous and consistent.

B. Citation Accountability

Each officer shall have an adequate number of traffic citations and parking citations. The receipt in each citation book shall be completed and forwarded to the City Recorder or Court Clerk for filing. Officers shall be accountable for all citations issued to them and shall turn in completed citation receipts prior to going off duty.

C. Errors or Omissions

An officer finding any error on a citation after the citation has been issued shall forward a memorandum to the City Prosecutor, requesting amendment or refileing. The memorandum shall be routed through the City Recorder or Court Clerk for processing before going to the City Judge.

D. Voiding Citations

If a citation (traffic or criminal) is issued and subsequently voided, the word VOID shall be Block-printed distinctly across the face of all copies of the citation. A written memorandum shall be attached to the voided citation, indicating the reasons for voiding the citation. The voided citation and explanation shall be reviewed and approved by the officer's supervisor. The voided citation and memorandum shall be forwarded to the City Record or Court Clerk for recording in the Docket Book.

E. Citations Issued to Nonresidents

Citations shall be issued to nonresidents in the same manner as they are issued to the residents of the City of (town, city). Nonresidents who cannot appear on the required court date shall be directed to contact the City Court Clerk in person or by telephone and resolve the court date issue or forfeit bond.

F. Refusal of Violator to Sign Citation

When a traffic violator refuses to sign a citation, the officer shall make it clear that in signing the citation the driver is not admitting guilt, but is promising only to appear in court. If the violator continues to refuse to sign the citation, the officer shall call a supervisor. The violator's refusal to sign the citation may be an emotional reaction or a personality clash with the officer. A second officer often can restore calm and understanding to the situation and persuade the violator to sign the citation. A violator who still refuses to sign the citation may be booked as a last resort.

STANDARD OPERATING PROCEDURE

108 TRAFFIC ACCIDENT INVESTIGATION

- A. Definition: An accident investigation is the systematic observation, examination and investigation of the facts, conditions, actions, physical features and results involved in the collision of one or more traffic vehicles.
- B. Accidents on Public Property: All vehicular accidents occurring on public property and streets within the city limits shall be investigated and reported in writing on the designated forms.
- C. Accidents on Private Property: When any of the following circumstances are present, accidents on private property will be investigated and reported:
 - 1. A fatal injury occurs or the nature of the injuries indicates a possible fatality.
 - 2. Drinking on the part of driver/s is involved.
 - 3. An investigation is requested.
- D. Accidents Involving City Property: All vehicular traffic accidents involving damage to city property, whether occurring on public or private property, shall be investigated and reported.
- E. Non-Motor Vehicle Accidents: All accidents involving collisions between non-motor vehicle (e.g., trains, bicycles, etc.) or with pedestrians shall be investigated and reported.
- F. Collisions of City-Owned Vehicles: Investigation of accidents involving vehicles owned and operated by this department, or of other city-owned vehicle, or of other city property damages as a result of a traffic accident, will be conducted in the same manner as prescribed for accidents involving private vehicles, with the addition of the following:
 - 1. Personnel may not investigate their own accidents.
 - 2. The County sheriff's department or the Tennessee Highway Patrol shall conduct the investigation of all accidents involving Police Department vehicles.

- G. Statements: Statements will be taken from drivers and witnesses in the event of:
1. Fatal Accidents.
 2. Serious personal injury accidents.
 3. City or public property damage accidents.
- H. Release of Investigative Information: Officers shall not give reports, pictures, or other written information to non-police agencies. All such information or documents should be released by the Chief of Police, his designee, or the CEO.
- I. Hit and Run Accidents:
1. Definition: A hit and run accident is a motor vehicle traffic accident in which a driver evades his responsibility for remaining at the scene until arrival of police.
 2. The first officer on the scene of such an accident shall immediately furnish to headquarters all available information to broadcast to other units.
 3. The investigation shall be completed in detail at the scene.
 4. Officers shall then return to service but continue to work on a solution as long as their activity can be performed within the area of assignment.

STANDARD OPERATING PROCEDURE

109

STOPS

A. Definition: A stop is a temporary detention of a person for investigation. A stop occurs when an officer uses police authority either to compel a person to halt, to remain in a certain place, or to perform some act (such as walking to a nearby location where the officer can use a radio or telephone). When citizens reasonably believe that they are not free to leave the officer's presence, a stop has occurred.

B. Basis for a Stop

If an officer reasonably suspects that a person has committed, is committing, or is about to commit a crime, grounds exist to stop that person.

C. Reasonable Suspicion

The elements of reasonable suspicion include:

1. An honest belief that some criminal activity is taking place or has taken place; and
2. Some indication connecting the person under suspicion with the criminal activity.

Reasonable suspicion may arise out of a contact, or it may exist independently of a contact. Every officer who conducts a stop shall be prepared to articulate the specific factors that create the justification for the stop.

D. Stops by Unmarked Police Vehicles

Members driving unmarked police vehicles will not attempt to make vehicle stops for purposes of arrest or investigation. A marked vehicle will be called to make the stop unless none is available or the time required for the marked unit to respond would be excessive. If an arrest or investigation would be jeopardized by waiting for a marked unit, the unmarked unit may make the stop.

E. Conduct during a Stop

Proper justification for a stop does not permit unreasonable conduct during the stop. Every phase of a stop will be considered by the courts in determining whether the stop was reasonable and therefore lawful.

F. Duration of Stop

A person may be detained at or near the scene of a stop for a reasonable period not to exceed 20 minutes. Officers shall detain a person only for the length of time necessary to obtain the person's identification, an account of the person's presence or conduct, or otherwise determine if the person should be arrested or released.

G. Explanation to Detained Person

Officers shall act with as much restraint and courtesy as possible toward the person stopped. Officers not in uniform making stops shall identify themselves as law enforcement officers and show proper identification as soon as practical. The officer shall give an explanation of the reason for the stop.

H. Rights of Detained Persons

Officers may direct questions to the detained person for the purpose of obtaining name, address, and an explanation of presence and conduct. The person may not be compelled to answer these questions. Officers may request the person to produce identification, but citizens generally are not required to carry any identification. When the person has been operating a vehicle, the officer may demand to view certain documents (such as operator's license and vehicle registration). Refusal to answer questions does not, by itself, establish probable cause to arrest, but such refusal may be considered, along with other facts, as an element adding to probable cause. Officers shall not search a subject's wallet for identification. The search of a wallet for any evidence may be conducted only incidental to an arrest.

I. Effecting a Stop and Detention

Officers shall use the least coercive means necessary to effect the stop of a person. The least coercive means may be a verbal request, an order, or the use of physical force. Officers shall use only such force as is reasonably necessary. If the officer is attacked, or circumstances exist that create probable cause to arrest, the officer may use the amount of force necessary to defend himself or to make an arrest.

STANDARD OPERATING PROCEDURE

110 FRISKS

A. Definition

A frisk is a limited protective search for concealed weapons.

B. When to Frisk

Officers may frisk a person during a stop when officers reasonably suspect that the person is carrying a concealed weapon and that a frisk is necessary to protect themselves or others. The frisk is usually conducted immediately, but may be conducted whenever a reasonable suspicion to believe the suspect is concealing a weapon occurs.

C. Reasonable Suspicion for Frisk

Reasonable suspicion for a valid frisk is more than a vague hunch and less than probable cause. A frisk is justified if a reasonable, prudent officer under the circumstances believes the safety of the officer or other persons in the vicinity is jeopardized because a particular person might be carrying a weapon.

D. Citing Justification for a Frisk

Officers who conduct a frisk shall be prepared to report the specific factors which led them to believe that reasonable suspicion existed.

E. Purpose of a Frisk

A frisk is for the purpose of protection only. Officers shall not use the frisk power to conduct full-scale searches designed to produce contraband or other incriminating evidence, Full scale searches of persons without their consent, even those conducted with reasonable suspicion, are invalid. Probable cause shall exist before a full scale search may be made.

F. General Conduct of a Frisk

1. Separate Items - If the person is carrying a separate object such as a purse, shopping bag, or briefcase, it may be taken and placed in a secure location out of the person's reach. The officers shall not look inside the object at that time.

2. Beginning the frisk: Pat down - The officer should begin the frisk at the part of the person's apparel most likely to contain a weapon or dangerous instrument. Frisks are limited to a pat down of the person's outer clothing unless:
 - a. The outer clothing is too bulky to allow the officer to determine if a weapon or dangerous instrument is concealed underneath. In this event, outer clothing, such as overcoats and jackets, may be opened to allow a pat down directly on the inner clothing; or
 - b. The officer has a reasonable belief, based on reliable information or personal knowledge and observations, that a weapon or dangerous instrument is concealed at a particular location on the person. In this event, the officer may reach directly into the suspected area. This is an unusual procedure, and officers shall report the precise factors which led beyond the normal pat down procedure.

G. Procedures When a Frisk Discloses an Object That Might be a Weapon

1. When the officer feels an object that he reasonably believe is a weapon or that may contain a weapon they may reach into the area of the person's clothing where the object is located and remove the object. Officers shall proceed in one of these ways:
 - a. A weapon - The officer shall determine if the person's possession of the weapon is lawful. If lawful, the officer should place the object in a secure location out of the person's reach for the duration of the detention. Ammunition may be removed from any firearm, and the weapon and ammunition returned in a manner that ensures the officer's safety. If the possession is unlawful, the officer may seize the weapon and arrest the person.
 - b. A seizable item - Officers may seize it and consider it in determining if probable cause exists to arrest the person.
 - c. A container capable of holding a weapon - If the officer has a reasonable belief that it contains such an item, he may look inside the

object and briefly examine the contents. If the object does contain a weapon or seizable items, the officer should proceed as in 2a or 2b above. If the officer, upon examining the contents of the object, finds no weapon or seizable item, the object shall be returned to the person and the frisk or detention continued.

- d. None of the above - If the object does not fall into any of the first three categories above, then the officer shall not look inside the object, but shall return it to the person and continue with the frisk or detention. If removal of the suspected object discloses a second object that itself is a seizable item, the officer may lawfully seize the second object. The second object shall be considered in determining whether probable cause exists to arrest the person.

H. Procedure When a Frisk Discloses an Object That Might Be a Seizable Item

If officers feel an object which they do not reasonably believe to be a weapon, but do believe to be a seizable item, they may not take further steps to examine the object without either the consent of the person or a search warrant.

I. Returning Separate Possessions

If the person frisked or detained is not arrested by the officer, any objects taken pursuant to above frisk procedures shall be returned upon completion of the frisk or detention.

STANDARD OPERATING PROCEDURE

111 GENERAL PATROL

A. Patrolling: Officers shall:

1. Visit each part of the City as frequently as possible.
2. Observe everything that takes place within sight or hearing.
3. Investigate everything that appears to be suspicious or unusual.
4. Take the appropriate police action necessary to correct every violation that comes to his attention.

B. Patrolling Business Districts:

1. Officers shall make periodic personal contact with the merchants and citizens in their zone during their tour of duty.
2. If a particular building is to be checked, physically check doors and windows.

C. Notification of Dispatcher Required: If an officer's duty will make him unavailable for immediate and direct contact with the dispatcher, he shall first report to the dispatcher:

1. His location.
2. The type of action to be taken, against whom, for how long.
3. The need for assistance.

D. Dispatcher's Responsibility: If the dispatcher is unable to re-establish communications within a ten-minute period, he shall send an officer to the scene to investigate.

E. Radio Procedures: The TEN CODE shall be utilized exclusively if possible. If AM or FM radios are used in patrol cars, they will in no way interfere with the officer and at no time will they be heard in a transmission from the patrol vehicle.

1. All transmissions over police radios are to be concise, clearly understandable, of a business nature and using standardize codes.

2. Officers should use discretion as to matters transmitted over radios.
3. All officers will notify the dispatcher when existing vehicles for any purpose, except when prearranged with dispatcher.
4. All officers will maintain radio contact at all times, except when prearranged with supervisor and/or dispatcher.

STANDARD OPERATING PROCEDURE

112 INVESTIGATION OF SUSPICIOUS AUTOMOBILES

- A. Notification of Dispatcher Required: Before going out of service an officer shall:
1. Advise the location, color, year, make and body, license number as well as the number of occupants, if any, and their sex and race.
 2. Write the license number of the vehicle on his clipboard and leave it in the car.
- B. Request for Assistance: Requests for assistance is at the discretion of the officer. However, if an arrest appears imminent or more than one subject is in the vehicle, requesting assistance would be prudent.
- C. Positioning the Squad Car: (Not for traffic violations.)
1. The officer initiating the search shall park his car with the right front fender even with the suspect's left tail light and approximately ten (10) feet to the rear.
 2. Activate the emergency light on roof.
 3. At night, the spotlight will be focused on the interior of the suspect's car until the actual search has begun.
 4. The first officer's headlights shall be on high beam.
 5. Assisting officers shall park their vehicles three (3) feet to the rear of other police vehicles and as near the curb as possible.
 6. Blue lights on top of all cars shall be on.
 7. At night, lights of assisting vehicles must be switched to the park position.

STANDARD OPERATING PROCEDURE

113 SEARCH AND INVENTORY OF VEHICLES

- A. General: Vehicles should not be searched until the occupants have been removed, arrested, searched and are under complete control. Another officer should be present when conducting a search.
- B. When Searches Permissible:
 - 1. When the owner or operator gives permission.
 - 2. When the owner or operator has been arrested. The search must be limited to the area within reaching distance of the arrestee and does not include inaccessible or locked areas. A search of this nature is commonly known as a search "incidental to arrest".
 - 3. When an officer is in possession of a search warrant.
- C. Inventories: In some cases the contents of a vehicle may be searched out and inventoried for purposes of protection of valuables therein while the vehicle is being towed-in and stored. Evidence of crimes discovered during a legal inventory is admissible in court. For the inventory to be legitimate one of the following circumstances must be present:
 - 1. The vehicle has been abandoned and the owner/operator is not present or reasonably available.
 - 2. The owner/operator has been arrested, his vehicle is not known to be a part of the crime for which he is being arrested and he has not expressed a desire that the vehicle be otherwise disposed of rather than being towed in. (NOTE: If the owner/operator expressed a desire that his vehicle be disposed in some reasonable manner, i.e., turned over to a licensed driver present at the scene or legally parked at the scene, his wishes should be carried out. In this case no inventory is permissible.)
- D. Disposition of Articles Taken from Vehicles:
 - 1. Whether the property taken is evidence or personal property, each item shall be properly marked, identified and stored at headquarters.

2. If evidence is to be sent to the laboratory for processing, it shall be handled in accordance with direction from the Chief of Police.

STANDARD OPERATING PROCEDURE

114

BUILDING CHECKS AND SEARCHES

- A. Radio Procedure: When preparing to check a building, ~~the officer shall~~ advise the dispatcher of the following:
1. The exact address or location of the building to be checked.
 2. Request assistance of other officers if a prowler is suspected of being in the building or vicinity.
- B. Opened or Unlocked Doors/Windows:
1. Notify the dispatcher at once, giving address and what has been detected. Request additional assistance and repeat the location.
 2. DO NOT ENTER THE BUILDING UNTIL HELP ARRIVES.
 3. Guard the most likely avenue of escape until assisting officers arrive.
 4. When assisting officers arrive, search the building.
 5. The dispatcher will notify the owner of the discovery.
 6. One officer shall remain at the scene until the owner or his representative arrives. If the owner or representative cannot be contacted, the building shall be secured as well as practical.
 7. The officer who discovered the situation shall complete the appropriate report.
- C. Searching a Building:
1. Chain of Command:
 - a. The ranking officer on the scene shall be in charge of the search.
 2. Guarding the Building: Before a search party enters, guards shall be placed outside the building to prevent possible escape of prowlers.
 - a. Numbers and positions of guards shall be such that all exits from the building are visible

within available manpower limitations.

- b. The guards must remain at their assigned places until the search is completed and they are relieved by the officer in charge.

STANDARD OPERATING PROCEDURE

115 CRIME IN PROGRESS CALLS

- A. Operation of Vehicles in Route: The patrol unit will proceed to the scene swiftly but safely, taking into account weather, road and traffic conditions as well as his own driving capabilities. (SEE 6.06)
- B. Parking Police Vehicle: The officer shall properly park the vehicle a reasonable distance from the entrance to the call location.
- C. Duties of Officer at the Scene: The officer shall:
 - 1. Size up the situation and call for assistance if needed.
 - 2. Cover the most likely avenue of escape while awaiting arrival of assisting officers.
 - 3. Make proper notes and mark and preserve physical evidence.
 - 4. When injuries are involved, administer first aid and secure proper medical treatment if required.
 - 5. When calls are UNFOUNDED, notify dispatcher at once.
 - 6. In any case, advise the dispatcher of the situation at the scene as soon as possible.
- D. Units in the Area: All units in the area, but not assigned to the scene, will cruise the area looking for related suspicious behavior, while awaiting additional information or instructions.
- E. Suspect in Custody at the Scene: When a suspect is in custody at the scene, proceed as with any other investigation and arrest.
- F. Suspect not in Custody:
 - 1. Search the immediate area for the suspect.
 - 2. Get a description of the suspect and relay to the dispatcher.
 - 3. Protect the crime scene.
 - 4. Secure the details of the crime from victims and

witnesses and complete reports.

STANDARD OPERATING PROCEDURE

116

RADIO OPERATIONS

A. General Conduct of Personnel:

1. All radio personnel are to maintain self-control over the air. They are to refrain from uncivil, unkind, angry, ironic or derogatory comments. Similar conduct from others toward them should be ignored while the business at hand is taken care of. Thereafter, the incident should be reported to the Chief.
2. Required records shall be kept in an orderly manner and in such detail that required data is readily available.
3. Key letters or abbreviations may be used on radio logs in lieu of the FCC-assigned call sign, provided an explanation is kept on file in the station's records.

B. Transmissions: All communications, regardless of their nature, shall be restricted to the minimum practical transmission time.

C. Rules or Message Handling: The rules for message handling outlined in this manual shall ordinarily be followed. However, when this is impossible, the delivery of information is more important than the method. The radio telephone system normally will operate as a free net (each station transmitting routine traffic as the need requires). However, operators at all stations shall exercise normal care not to break up transmissions in progress between other area stations and shall stand by courteously and promptly when so requested.

D. Distress and Emergency: Although the police department has a signal to indicate emergency traffic, the international distress signal is "MAY DAY", and should be remembered by all. Misuse of these signals is a serious offense which will be dealt with accordingly.

E. Reading Messages: Always read messages in groups or phrases. Repeat each phrase twice. Transmit slowly enough for the receiving operator to copy (understand). When giving names of persons or places that may be difficult to understand, pronounce and then spell them out, using the standard phonetic alphabet.

F. The PHONETIC ALPHABET:

A	Adams	N	Nora
B	Boy	O	Ocean
C	Charles	P	Paul
D	David	Q	Queen
E	Edward	R	Robert
F	Frank	S	Sam
G	George	T	Tom
H	Henry	U	Union
I	Ida	V	Victor
J	John	W	William
K	King	X	X-ray
L	Lincoln	Y	Young
M	Mary	Z	Zebra

- G. Logging Messages: Messages written on printed blanks should be marked with the time and date sent, to whom delivered and the transmitting operator's initials or name. The log entry should show to whom delivered, message number and time sent. When copying information in the log, a word-for-word transcription is not needed. Record the essential information about what transpired during the contact.

H. Rules and Regulations of the Federal Communications Commission:

IT IS UNLAWFUL:

1. To transmit superfluous signals, messages or communications.
2. To use profane, indecent, or obscene language.
3. To willfully damage or to permit radio apparatus to be damaged.
4. To play music through the transmitter.
5. To cause unlawful or malicious interference with another radio communication.
6. To intercept and use or publish the contents of any radio message without the express permission of the proper authorities in your department.
7. To make unnecessary or unidentified transmissions.
8. To transmit without first making sure the intended transmission will not cause harmful interference.

9. To make any adjustments, repair or alterations to your radio transmitter. It is required by law that only a professional radio technician, holding a second-class license or higher, make adjustments and repairs.
10. To deny access to your radio equipment if a properly identified representative of the FCC asks to inspect it.
11. To transmit a call signal, letter or numeral which has not been assigned to your station or car.

I. Crimes in Progress Checklist of Information

1. General

The dispatcher shall dispatch units immediately to crimes in progress and relay information to the officer as it is received from the caller while he is responding. Do not wait until all information is known before dispatching units to crimes in progress. Dispatch units immediately after location of crime is known. The dispatcher shall:

- a. Ascertain type of crime being committed.
- b. Determine location of crime.
- c. If life threatening, or possibly life threatening situation exists, hold caller on line and dispatch units immediately. Dispatch ambulance if there are injured persons involved.
- d. Ascertain if weapons involved.
 1. types
 2. numbers of weapons
 3. who possesses weapons
- e. Name of caller
- f. Telephone number of originating call
- g. Who involved
- h. Where caller may be located later
- i. Hold caller on line until units arrive on the scene.
- j. Relay any addition information caller observes while units are responding to the call that they will need upon their arrival.
- k. Inform officers upon their arrival of the caller's location.

2. Robbery in Progress

- a. Location of crime
- b. Ascertain any injuries
- c. Ascertain weapons involved
- d. Direction of travel of departed robber(s)
- e. Description of robbers
- f. Description of vehicle(s)
- g. Hold caller on line and update units as they respond to call

3. Burglary in Progress

- a. Location of burglary
- b. Any weapons involved
- c. Number of suspects
- d. Location of suspects in relation to responding units
- e. Description of suspects
- f. Direction of travel, if departed
- g. Name of caller
- h. Telephone number caller using
- i. Address of caller
- j. Hold caller on line until units are on the scene.

4. Fight in Progress

- a. Location of fight
- b. Any weapons involved
- c. Name of caller
- d. Location of the telephone the caller is using
- e. Address of caller
- f. Names of persons involved in fight
- g. Hold caller on line until units arrive

5. Family Disturbance in Progress

- a. Location of call
- b. Ascertain any injuries and if ambulance needed
- c. Weapons involved
- d. Name of caller
- e. Telephone number of caller
- f. Who is involved
- g. Address of caller, if different than address cited as location
- h. Hold caller on line until units arrive and update them as they respond

6. Prowler on Scene

- a. Location of call

- b. Are weapons involved
- c. Location of suspect on property
- d. Name of caller
- e. Telephone number of caller
- f. Address of caller, if different from address responded to
- g. Hold caller on line until units arrive and update units as they respond
- h. Warn caller not to let others in household venture outside before officers arrive and advise officers responding if other people are already outside.

STANDARD OPERATING PROCEDURE

117 STORAGE AND IMPOUNDMENT

A. Purpose

Whenever evidence or property comes into the possession of the department, accountability is necessary. To meet that obligation, the Chief of Police or his designee shall be responsible for the custody, control, and disposition of all evidence and property. No property or evidence shall be stored or released without proper report or signature.

B. Scope

Objects may be stored or impounded by members if they are:

1. Evidence.
2. Lost or abandoned.
3. For safekeeping.
4. Contraband.
5. Stolen.
6. Vehicles (if not covered in 1 through 5 above).
 - a. Illegally parked.
 - b. Used in a narcotics or drug offense.
 - c. The driver is arrested and booked.

C. General Procedure for Handling Evidence and Property

1. In order to facilitate the proper handling of all evidence and property, members of the department shall be guided by these procedures:
 - a. All evidence and property, except as otherwise specified, shall be delivered to the Chief of Police.
 - b. All evidence or property submitted shall be properly marked, packaged, and tagged.
 - c. The Department Property Invoice and Receipt (also known as Property Control Form) shall be completed in all instances in which property is impounded. Descriptions, serial numbers, brand names, and other identifying information shall be listed.
 - d. The Chief of Police shall sign the completed form, verifying custody and responsibility for

the items listed. The Chief is responsible for locating the property after it is placed in storage.

2. Officer shall not confiscate property for personal use, fail to turn in all prisoners' property, or otherwise willfully deviate from this procedure.

STANDARD OPERATING PROCEDURE

118 INVESTIGATIVE PROCEDURES

A. Search Warrants

1. Definition

A search warrant is an order, in writing, in the name of the state, signed by a magistrate, directed to the officer commanding the officer to search for personal property, and bring it before the magistrate. (T.C.A. 40-6-101)

2. Grounds for Issuance

- a. The property was stolen or embezzled.
 - b. The property was used as the means of committing a felony.
 - c. The property is in the possession of any person with the intent to use it as a means of committing a public offense, or in the possession of another to whom it may have been delivered, for the purpose of concealing it or preventing its discovery.
 - d. Any other ground provided by law. (T.C.A. 40-6-102)
3. When an arrest warrant is sought, a search warrant also should be sought if time permits and there is probable cause to believe evidence of any specific crime will be present at the expected time and place of arrest.

B. Warrantless Search

1. Consent Search

Officers may conduct a search of a person, location, property, dwelling, or vehicle whenever they obtain consent to search from a person having actual or apparent authority over the area or object to be searched (reasonable person standard applies). No consent search shall be made unless the consenting party signs the department consent form, and the waiver has been made knowingly, intelligently, and voluntarily.

2. Seizure of Items in Plain View

Officers who are lawfully in any place may, without obtaining a search warrant, seize any item in plain view if they have probable cause to believe that the item is contraband, loot, instrumentalities, fruits, or other evidence of a crime, and if no further intrusion is necessary in order to make the seizure. Officers may temporarily take custody of any weapon in plain view, if they reasonably suspect that the weapon might be used against them.

3. Seizure of Property in Temporary Custody of Non-Suspects

When custody of property has been turned over to a third party by a suspect, officers may seize and examine such property only if the suspect has abandoned reasonable expectation of privacy in the property. In all cases, consent from the third party shall be obtained before any action is taken.