



LAW ENFORCEMENT ASSISTANCE ADMINISTRATION (LEAA)

POLICE TECHNICAL ASSISTANCE REPORT

SUBJECT: Development of a Policy and Procedures Manual

REPORT NUMBER: 77-50-ITA-03

FOR: Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation Tribal Police Department

Flathead Indian Reservation
Pablo, Montana

Population	17,000	(est.)
Indian	2,600	
White	14,400	

Square Mile Area 1,942.14

Police Strength	
Sworn	11
Civilian	2
Total	13

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ACQUISITIONS

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Appendix A -- Suggested Policy and Procedures Manual

I. INTRODUCTION

This report was prepared in response to a request for technical assistance in the form of preparing a Policy and Procedures Manual for the Flathead Reservation Police Department. The consultant assigned was Mr. Bernard L. Garmire, and others involved in processing the request were:

Requesting Agency: Ronald L. McCrea
Chief of Police
Flathead Indian Reservation

Approving Agency: Mr. Dale Wing
Director
Indian Affairs Staff, OCJP

Mr. Robert O. Heck
Police Specialist
LEAA Office of Regional Operations

The on-site evaluation of the department was conducted March 20-23, 1978, and in the course of this visit the consultant talked with members of the police department and tribal officials, observed various police activities, and examined available data applicable for inclusion in the proposed manual.

Individuals who were interviewed included:

Thomas "Bearhead" Swaney
Chairman, Tribal Council

Ronald L. McCrea
Chief of Police

John Plouffe
Lieutenant of Police and Assistant
Chief

Jacque Marigeau
Sergeant, Communications-Detention

Darwin Parker
Officer, Communications-Detention

Glen Rose Bird
Police Clerk

Helen Jean Plouffe
Highway Safety Coordinator

During the on-site visit, tribal police officials were told that the manual that is submitted as Appendix A of this report was not intended as the final, finished product. It was developed as an example which could be further adapted to the department's use. By design, it is both flexible and expandable and thus should answer the needs of the department for the foreseeable future.

II. ANALYSIS OF THE PROBLEM

Background

The Confederated Salish and Kootenai Tribes of the Flathead Reservation is the official name of that which is commonly referred to as the Flathead Reservation. The reservation is situated in northwestern Montana abutting the southeastern portion of Flathead Lake. Tribal headquarters are located at Pablo, Montana, about 60 miles north of Missoula, Montana's largest city.

It is the fifth largest Indian reservation in the United States and consists of 1,942.14 square miles of rich farm and cattle land situated in a beautiful area known as Mission Valley. Unfortunately, the Indians own a comparatively small amount of the area because much of it was sold to farmers and cattlemen year ago. That land still owned by the tribe consists, for the most part, of mountainous timber land. Indians are outnumbered by whites about six to one, or about 14,400 whites to an estimated 2,600 Indians.

The reservation attempts to maintain an organic unit of government that includes a police department consisting of 11 sworn officers and 2 civilians. Obviously, this is an insufficient number to give the necessary police coverage to so vast an area and so large a population.

The reservation is situated in three counties which assume much of the law enforcement responsibility. As a point of fact, the Indian police are very severely constrained in their law enforcement authority.

In 1953, the Congress of the United States passed Public Law 83-280 which, among other things, granted civil and criminal jurisdiction over the Flathead Reservation to the State of Montana. The Salish and Kootenai Tribes now exercise concurrent jurisdiction over Indians on the reservation with regard to misdemeanors. All felony arrests are made by either neighboring, local, state, or Federal agency personnel. The Tribes cannot exercise any jurisdiction over non-Indians.

Nevertheless, the Flathead Reservation Police perform an important function not unlike most police departments. Statistics generally show that any police department addresses about eight calls for service for every two that are crime related. The citizens of the reservation have come to rely on the police and call upon them frequently.

In an effort to develop a good police department, the Tribal Council has secured the services of a good administrator and is underwriting an excellent training program. The Administrator or Chief of Police is Ronald L. McCrea, who is concerned with the development of a procedures manual that will keep his men advised as to existing authorized procedures and will provide for orderly changes in the future.

Departmental Policies and Procedures

The administration of a tribal police department presents problems not usually encountered by a municipal police administrator. The Tribal Council expects the Chief of Police to have an efficient police department. Members of the department are subjected to considerable training and are well equipped and smartly uniformed.

The public expects the tribal police to be capable of responding to any problem at any time. It is unaware, for the most part, that Indian tribal police have no more authority than the ordinary citizen in felony situations or that tribal police have no authority over non-Indians or even Indians who are not members of Federally recognized tribes. This can become frustrating to both public and police.

Indian tribal police on the Flathead Reservation are well trained. Each is required to attend either the Indian Police Academy in Utah or take their training at the University of Montana. This must be done within six months after appointment to the department.

Flathead Reservation police must work in concert with three Sheriff's offices, State Police, and Federal agency police. Because they rely on these agencies for much assistance, they must enjoy the confidence of agency personnel.

Nearly 90 percent of the reservation is considered to be either farmland or forest and recreation areas. There are several hamlets throughout the reservation inhabited by Indians, each being somewhat isolated. Police officers work alone and of necessity must be self-reliant.

Seventy percent of police department personnel have less than four years' service, and until 1969 the department consisted of two officers.

Efforts have been made from time to time to develop a uniform approach to problems by members of the department. These consisted of written directives usually called general orders. There has been no continuity, and some orders have been in conflict with others issued on prior occasions.

Each member of the force has been issued a large three-ring looseleaf binder in which he is expected to maintain a file of policies, procedures, orders, and training information. There is no provision for orderly filing or indexing, and it is difficult to readily locate needed directives or information.

The reservation police department is quite small and must rely upon all its members being acquainted with and being able to perform in any assignment. A single manual is needed which contains information pertinent to each assignment so that when it becomes essential to ask one person to assume the duties of another, he will have the necessary information at his finger tips.

Very much in evidence is the desire to develop a professional approach to policing by the Bureau of Indian Affairs, the Tribal Council, and the Chief of Police. In order that this be done, fundamentals of professionalism should be available at all times. Each person who attends either the Indian Police Academy in Utah or the academy at the University of Montana is required to subscribe to basic philosophies of policing as contained in the Law Enforcement Code of Ethics and the Canons of Police Ethics. These, augmented by the policies of the individual police departments, constitute an acceptable approach to policing throughout this country. The foregoing should be available at all time to the officer, who should refer to them frequently.

III. FINDINGS AND CONCLUSIONS

The Flathead Reservation Police Department is an excellent Indian law enforcement agency. It serves the Indian community of the reservation well and with competence, even though it lacks depth from the standpoint of experience and expertise. In time this will come under the able guidance of the Chief of Police, Ronald L. McCrea.

The department is well equipped both from the standpoint of personal appearance and the necessary individual issue of weapons and accoutrements. The automotive equipment is excellent, and the new headquarters facilities are outstanding. In short, the department, considering its size, occupies an enviable position.

Every member is given training which equips him to perform his duties. Because this training is given at academies located some distance from the reservation, refresher courses and in-service training are difficult to accomplish. This makes the publication and distribution of a comprehensive manual imperative.

In order to comply with the request of the Chief of Police, the document that is Appendix A of this report has been prepared. Generally, it follows accepted principles used in departmental manuals. It is neither complete nor unchangeable. There will be areas that the Chief of Police will want expanded upon and others he will wish modified or deleted. It is, however, sound in its approach and contains fundamental ideals and concepts of sound police administration.

IV. RECOMMENDATIONS

Appendix A, the proposed Policy and Procedures Manual, must be very carefully reviewed by the Chief of Police and his subordinates. When the changes, additions, and deletions have been accomplished, the next step is to submit the Manual to the Community Services Committee of the Tribal Council for their concurrence and approval.

It should then be submitted to the entire Tribal Council for review and concurrence. Once the Tribal Council has approved the manual, giving it legal status through passage as an ordinance should then be considered. In contemplating the printing of the Manual, it should be remembered that it is to be carried by the officer at all times. It is suggested that the Manual be reduced in size to not more than 5"x8" and maintained in loose-leaf style. By so doing, changes can be made readily and the book can be kept current.

Every member of the department, civilian or sworn, should receive a copy. Upon receipt of the copy, each member should be required to acknowledge his copy with a written receipt.

Each member should be provided with an affidavit that he or she must return to the office of the Chief of Police within 90 days. This affidavit would indicate the member has read and understands the contents of the Manual. This will ensure that all members are adequately informed of the ethics, canons, policies, and orders pertaining to their position. It further provides that each officer will perform his duties within the parameters established. It provides a degree of assurance to the constituency that each police officer will be consistent with others in the performance of his duties.

APPENDIX A

POLICY AND PROCEDURES MANUAL
FOR THE
FLATHEAD RESERVATION TRIBAL POLICE DEPARTMENT

CONFEDERATED SALISH AND KOOTENAI
TRIBES OF THE FLATHEAD RESERVATION
PABLO, MONTANA, 59855

This proposed Manual contains seven basic sections:

- I. Introduction
- II. Organization of the Police Department
- III. Rules and Regulations
- IV. Procedures
- V. Supplemental
- VI. General Orders
- VII. Procedural Orders

Each section should be given a basic number, i. e., III-Rules and Regulations. Each rule or regulation should be given a subsection number. An example would be

- III-A. General Code of Conduct
- III-B. Duties and Responsibilities
- III-C. On Duty and prepared to act.

This type of numbering system provides for easy change and does not necessitate renumbering pages of the Manual. It should be noted that the proposed Manual does not provide for pages to be numbered.

I. INTRODUCTION

The people of the United States of America, the State of Montana, and Confederated Salish and Kootenai Tribes of the Flathead Reservation have created police departments or agencies to serve public purposes within our constitutional form of government.

The basic purposes for which police departments are constituted are generally considered to be as follows: It should be the duty of a police department at all times to preserve the public peace, prevent crime, detect and arrest offenders, suppress riots, protect persons and property, remove nuisances existing in the public streets, roads, and highways, enforce every law relating to the suppression of offenses, and perform all duties enjoined upon them by ordinance.

Certain other activities, including those in which an officer is commanded by a court to do something -- to serve a warrant or to testify in response to a subpoena -- may also be regarded as basic police duties. Some of these other duties have been written into law; others, particularly those relating to the many services performed by police officers, have no sanction beyond custom. The public expects many things from its police. The expectations are sometimes contradictory, sometimes misplaced. Nevertheless, they are always a tribute to the indispensable role police departments have come to play in American life.

This manual contains the ways the Flathead Reservation Police Department has chosen, under law and within the limits of its authority, to serve the people of the Confederated Salish and Kootenai Tribes of The Flathead Indian Reservation.

Changes are inevitable in the administration of any police department; consequently, policies, procedures, rules and regulations will alter from time to time. This manual is designed to be easily amended to compensate for those changes.

POLICY STATEMENT

The rules and regulations contained in this Departmental Manual are published for the information and guidance of the members of the Flathead Reservation Police Department, and it is the duty of all members, law enforcement and civilian, to be familiar with them.

Every member must understand that these rules and regulations are not intended to cover every case which may arise in the discharge of police duties; much must necessarily be left to the intelligence and discretion of the individual officer.

A majority of you have been appointed and have assumed the responsibilities of a police officer. The trust placed in you who have been so chosen and the variety and difficulty of the duties which will confront you are of far greater importance to the public and to you than is generally realized. You must enforce the laws of the United States and of the state as well as the ordinances of the reservation and act as a conservator of the public peace. You have chosen a most honorable calling which rightly demands a professional rather than merely an occupational philosophy. Personal ideals, and devotion to service above self should be the motives which impel police officers to discharge their responsibilities in full measure.

Your acts will, at all times, be subject to the observation and possible criticism of members of the public. The welfare of the community, the reputation of the department, and your success as an officer will depend in large measure upon your personal philosophy, the manner in which you approach your assignment, and the course of personal conduct you elect to pursue, both on duty and off.

Nearly all strengths or weaknesses in law enforcement may ultimately be traced to the relative competency and efficiency of commanding officers, and if the police regulations herein set forth are not properly, impartially, thoughtfully, conscientiously, and thoroughly applied, the fault will surely rest with the superior officers of the department.

Command and supervisory personnel must, of necessity, exhibit outstanding leadership qualities, the most important of which include sincerity, competency, understanding, perception, and an ever-abiding interest in the development and welfare of the department and its members. Command is synonymous with initiative and self-reliance in meeting and accepting responsibility. Ingenious excuses to evade or be relieved of responsibility should not and will not be accepted or tolerated. To say that orders have been given to subordinates will not relieve the superior from responsibility. If subordinates fail or neglect to perform their duties properly, the causes must be ascertained and remedial and corrective action taken.

The general policies and philosophies of this department are embodied in the following policy statements, which are provided for your guidance and direction and which serve as the foundation upon which the Manual is based.

Primary Police Objectives

The police department is primarily concerned with the prevention and suppression of crime, the protection of life and property, the apprehension and the assistance in the prosecution of offenders, the preservation of the peace, the regulation of vehicular and other traffic, the prevention of traffic accidents and congestion, and the recovery and return of lost and stolen property. All departmental activities and efforts are oriented and directed toward the fulfillment of these obligations in the most efficient and effective manner possible within the legal, ethical, and moral framework of contemporary society.

The efficient and effective discharge of these primary objectives and responsibilities is facilitated in part by the grouping of functionally related tasks within appropriate departmental elements; the delegation of clearly defined responsibility, which is commensurate with authority in specific areas of activity; the provision of singular command through a specified and appropriate chain of command; the performance of routine tasks, resolving differences and making decisions at the lowest possible level of authority; and the coordination of complementary functions of internal elements to prevent divisive conflicts or wasteful, inefficient duplication of effort.

These classical concepts in no way shall be considered inviolable or immutable, however, and the department shall continually seek new and better ways of serving the public through innovative and developmental management techniques.

Crime and Crime Prevention

Crime and criminality are problems of concern to the entire social community, not problems of the police alone. We are charged to prevent and suppress crime and to solve crime once it occurs, and we shall do these things to the utmost of our ability. At the same time, we are realistically aware that we can neither prevent all crime from occurring nor solve every crime that does occur. To attain the greatest possible degree of success in those endeavors, we require, and must strive to obtain, the active cooperation, assistance, and moral support of the citizens we serve.

Two elements are necessary for a crime to occur: the desire of the offender to commit the crime and the opportunity for him to do so. Police efforts are primarily directed toward eliminating and minimizing the opportunity. Desire is controlled by the individual

and his interaction with the environmental factors which influence his every thought and deed.

The most effective means available to the police for crime prevention thus far is aggressive and conspicuous patrol, with meaningful deployment of available personnel in accordance with demonstrated need.

To the citizens within the area to which he is assigned, each patrol officer is the police department. He is accountable for crime and vice conditions in his assigned area, and he has a responsibility for preventing those crimes which are preventable by police action for taking appropriate measures when crimes or emergencies occur.

Enforcing the Law

The primary purpose of law enforcement is to provide the necessary regulation of individual members of society, thereby enabling all citizens to be free of criminal attack as they enjoy their constitutional freedom and liberties. Law enforcement must be directed toward those who, by engaging in criminal activity, interfere with the rights and personal safety of others. To arrest and detain such a person is not to deny him his rights, since no person has a right to violate the law; such arrests are the duty and responsibility of any member of society, although the police assume the major responsibility in this respect.

Enforcement must be selective in order to be most effective in suppressing and preventing crime, for it is neither philosophically desirable nor economically practical to attempt to prevent all crimes or to enforce all laws all of the time. Selective enforcement must be keyed to time and location, to relative importance of the crimes occurring, crimes preventable by police action, and to those crimes which foster additional and more serious crimes.

Officers must exercise some degree of discretion in enforcing the law because of the limited resources available, the ambiguity of some laws, and because of the fact that there are often methods of effectively accomplishing the purpose of the law other than arrest. When the offense is minor, or in violation of a regulatory measure and lacks a specific victim, the police objective can sometimes be best accomplished by a courteous warning. Regardless of the nature of enforcement action taken, scolding and unnecessary humiliation, inconvenience, and distress must be avoided; we must remain objective and impersonal in our contacts with offenders.

The laws and ordinances exist for the benefit of all citizens without regard to race, creed, or social status. It is our obligation

to take whatever action may be necessary to enforce these laws and ordinances with equality and impartiality, though never forgetting their purpose and intent.

Loyalty

All members of the department have an obligation to be loyal to their superiors and the administration of the department, so long as those persons are performing lawfully and ethically and in accordance with and to support the policies of the department and the ethical standards of the law enforcement profession so long as they are members of the department. Of even greater importance in their obligation to community and society as a whole, for public service is the sole justification for their positions.

Loyalty is and must be reciprocal in nature. Supervisory and command personnel must, in return for their subordinates' loyalty, be concerned for the welfare of their subordinates and fully support them in their proper actions. This does not include, however, protecting them from just consequences of misdeeds.

Although there must be abiding mutual loyalty among police officers, dedication and loyalty to the welfare of the organization should transcend individual loyalties. An over-protective attitude toward a fellow officer who violates the law and/or departmental regulations is damaging to all professional law enforcement officers and the citizens they serve.

Personnel

The department is obligated to attract the most qualified men and women available for appointment into the police service. It must be realized that the future leadership of the department and continued forward advancement of the law enforcement profession will depend upon those selected and appointed.

The department is obligated to develop a program of proper placement of personnel which provides for career and departmental development and the utilization of potential capabilities.

Training

Training is a continual, never-ending process involving all members. The purposes and benefits of training are the professional and personal improvement of personnel and therefore the more efficient and effective accomplishment of departmental objectives.

Training is a responsibility and a function of command. Each and every supervisory and commanding officer is obligated to provide training to subordinates, regardless assignment or the presence of staff training personnel.

All members of the department are encouraged, in addition to departmental training, to further their formal education for the purpose of increasing their ability and potential within the law enforcement profession and for the purpose of meeting more fully the demands of good citizenship.

Discipline

Discipline is a state of training and a mental attitude which fosters voluntary compliance with policies and regulations and proper conduct. It is that which prompts individuals and groups to willingly conform to desirable patterns of conduct and to observe rules, regulations, and procedures deemed necessary to the attainment of an objective. Proper discipline stimulates harmony and efficiency, facilitates coordination of effort, promotes high morale, and encourages public acceptance and support. Discipline is not synonymous with punishment, for a well-disciplined individual or group is often the one least in need of punitive action.

Violations of rules, regulations, and orders nevertheless may require punitive disciplinary action. When necessary, this action must be administered promptly and equitably in order that it be effective. In determining the action to be taken, the motive, intent, or reason for the violation must be considered. Punitive action is to be viewed as a learning process, and every effort should be made to enable the offender to recognize and admit to himself that he was wrong and to understand that he truly deserves the prescribed penalty.

Discipline is a responsibility and a function of command. Supervisory and commanding officers are given authority to fulfill their responsibilities and are expected to exercise it to that end. When repeated misconduct occurs despite disciplinary action, a determination must be made as to whether the fault rests with the offender, his supervisor, or other circumstances.

Allegations of Misconduct

Police officers, charged with the obligation to enforce compliance by the public with standards of conduct established by law, have an ever-greater obligation to police themselves. The standard of conduct which police officers must observe is on a higher level than that expected of the average citizen. They must not only avoid misconduct but even the appearance of misconduct.

In order to protect both the citizens and the police, all complaints and allegations directed against police officers must be thoroughly and objectively investigated. Unfortunately, because of their resentment of police authority and for other reasons, some citizens falsely accuse police officers of misconduct. A thorough and objective investigation will vindicate and support the officer who is the object of such an unsustained allegation.

Thorough and objective investigation will also reveal the officer who has, by his conduct, betrayed the trust placed in him and tarnished the image of the department. Failure to detect such individuals and take appropriate disciplinary action damages the morale and fraternal spirit of the entire department and undermines public confidence and support.

In order to protect innocent officers from unwarranted and injurious publicity, information resulting from investigations will be treated as confidential unless otherwise directed by the Chief of Police.

The necessity for and desirability of continuous internal inspection to assure compliance with established regulations and procedures is well recognized. Members should realize that such inspections do not constitute an affront to them, but are safeguards for the maintenance of high ethical standards in their chosen profession of law enforcement.

It is well recognized that the only officer who makes no mistakes is the officer who takes no action. Any action involves prior decision, and there must inevitably be some honest mistakes in judgement and its resulting action. Such honest and unintentional mistakes are expected and excusable. However, any police effort to conceal or deny the same is not justified. Openly admitting a mistake is the first step toward correcting it and preventing its recurrence.

Records and Crime Statistics

All information on criminal and traffic incidents reported to the department and all police action taken must be recorded accurately and completely. Only by doing this can trends and patterns of criminal and traffic activity be identified, the scope and nature of our crime problem analyzed, and proper and effective police action taken.

Crime and accident statistics reflect only those incidents reported to or discovered by the police, and therefore do not indicate all incidents that occur. The public should be encouraged and urged to report all crime and traffic problems. This may increase the statistical incidence rates, but the more data available, the more effective the police can be in the solution of crime and traffic accident and congestion problems.

Vice and Organized Crime

Gambling, prostitution, illegal traffic in narcotics, and illegal operation of liquor establishments provide fertile ground for organized criminal activity which adversely affects the entire community.

Vice conditions and organized crime activities are not to be tolerated in any form for any reason. All officers are charged with the responsibility to report any known or suspected violation coming to their attention and will be guided by official policy and procedural statements which will aid them in properly performing vice repression and prevention duties.

In keeping with these general philosophies, the rules and regulations of this department call for a high level of professional, dedicated service to the members of the Confederated Salish and Kootenai Tribes.

PART I -- General

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

I will never act officiously or permit personal feelings, prejudices, 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 will accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

Canon of Police Ethics

Article I Primary Responsibilities of Job

The primary responsibility of the police service and of the individual officer is the protection of the people of the Confederated Salish and Kootenai Tribes, through the upholding of their laws. Chief among these is the Constitution of the Confederated Salish and Kootenai Tribes and its Tribal Law and Order Code. The law enforcement officer always represents the whole community and its legally expressed will and is never the arm of any political clique.

Article II Limitations of Authority

The first duty of a law enforcement officer, as upholder of the law, is to know its bounds upon him in enforcing it. Because he represents the legal will of the community, be it tribal, state, or Federal, he must be aware of the limitations and proscriptions which the people, through law, have placed upon him. He must recognize the genius of the Tribal system of government which gives absolute power to no man, groups of men, or institution; and he must insure that he, as a prime defender of that system, does not pervert its character.

Article III Duty to be Familiar with the Law, with One's Responsibilities, and Responsibilities of Other Public Officials

The law enforcement officer shall assiduously apply himself to the study of the principles of the laws which he is sworn to uphold. He will make certain of his responsibilities in the particulars of their enforcement, seeking aid from his supervisor in matters of technicality or principle when these are not clear to him; he will make special effort to fully understand his relationship to other public officials, including other law enforcement agencies, particularly on matters of jurisdiction, both geographically and substantively.

Article IV Utilization of Proper Means to Gain Proper Ends

The law enforcement officer shall be mindful of his responsibility to pay strict heed to the selection of means in discharging the duties of his office. Violations of law or disregard for public safety and property on the

part of an officer are intrinsically wrong; they are self-defeating in that they instill in the public mind a like disposition the employment of illegal means, no matter how worthy the end, is certain to encourage disrespect for the law and its officers. If the law is to be honored, it must first be honored by those who enforce it.

Article V Cooperation with Public Officials in the Discharge of Their Authorized Duties

The law enforcement officer shall cooperate fully with other public officials in the discharge of authorized duties, regardless of political affiliations or personal prejudice. He shall be meticulous, however, in assuring himself of the propriety, under the law, of such actions and shall guard against the use of his office or person, whether knowingly or unknowingly, in any improper or illegal action. In any situation open to questions, he shall seek authority from his superior officer, giving him a full report of the proposed service or action.

Article VI Private Conduct

The law enforcement officer shall be mindful of his special identification by the public as an upholder of the law. Laxity of conduct or manner in private life, expressing either disrespect for the law or seeking to gain special privileges, cannot but reflect upon the police officer and the police service. The community and the service require that the law enforcement officer lead the life of a decent and honorable man. Following the career of a policeman gives no man special perquisites. It does give the satisfaction and pride of following and furthering an unbroken tradition of safeguarding the American public. The officer who reflects upon this tradition will not degrade it. Rather, he will so conduct his private life that the public will regard him as an example of stability, fidelity, and morality.

Article VII Conduct Towards the Public

The law enforcement officer, mindful of his responsibility to the whole community, shall deal with individuals of his community in a manner calculated to instill respect for its laws and its police service. The law enforcement officer shall conduct his official life in a manner that inspires confidence and trust. Thus, he will be neither overbearing

nor subservient, as no individual citizen has an obligation to stand in awe of him or a right to command him. The officer will give service where he can and require compliance with the law. He will do neither from personal preference or prejudice, but rather as a duly appointed officer of the law discharging his sworn obligation.

Article VIII Conduct in Arresting and Dealing with Law Violators

The law enforcement officer shall use his powers of arrest strictly in accordance with the law and with due regard to the rights of the citizen concerned. His office gives him no right to prosecute the violators or to mete out punishment for the offense. He shall at all times have a clear appreciation of his responsibilities and limitations regarding detention of the violators; he shall conduct himself in such a manner as to minimize the possibility of having to use force. To this end, he shall cultivate a dedication to the service of the people and the equitable upholding of their law whether in the handling of law violators or in dealing with the law abiding.

Article IX Gifts and Favors

The law enforcement officer, representing Tribal government, bears the heavy responsibility of maintaining through his own conduct the honor and integrity of all Tribal Branches or Departments. He shall, therefore, guard against placing himself in a position in which any person can expect special consideration or in which the public can reasonably assume the special consideration is being given. Thus, he should be firm in refusing gifts, favors, or gratuities, large or small, which can be interpreted by the public as capable of influencing his judgement in the discharge of his duties.

Article X Presentation of Evidence

The law enforcement officer shall be concerned equally in the prosecution of the wrong-doer and the defense of the innocent. He shall ascertain what constitutes evidence and shall present such evidence impartially and without malice. In so doing, he will ignore social, political, and all other distinctions among the persons involved, strengthening the tradition of the reliability and integrity of an officer's word. The law enforcement officer shall take special pains to increase his perception

and skill of observation, mindful that in many situations his is the sole impartial testimony to the facts of the case.

Article XI Attitude Towards Profession

The law enforcement officer shall regard the discharge of his duties as a public trust and recognize his responsibility as a public servant. By diligent study and sincere attention to self-improvement, he shall strive to make the best possible application of science to the solution of crime and, in the field of human relationships, strive for effective leadership and public influence in matters affecting public safety. He shall appreciate the importance and responsibility of his office and hold police work to be an honorable service to his community, his country, and his tribe.

Definitions

Authority

Authority is the statutory or policy-vested right to give commands, enforce obedience, initiate action, and make necessary decisions. Authority may be delegated by those so designated. Acts performed without proper authority or authorization shall be considered in violation of this Manual, and those persons in violation shall be subject to disciplinary action.

Beat

A beat is a designation for the specific territorial assignment or district.

Chain of Command

The chain of command is the hierarchical arrangement of positions or offices within this department by level of duty or responsibility which established vertical authority by relationships in which each level is distinguished from all others by specific title, rank, or other special designation.

Civilian Employee

A civilian employee is a member of this department who is not sworn as a police officer and who is not empowered to perform those duties normally designated to sworn personnel.

Command, Line

Line command is that exercise of authority by a ranking officer over his immediate subordinates and pertaining to those duties and responsibilities for which he is held accountable as prescribed by department policy.

Command, Staff

Staff command is the exercise of authority by a ranking officer over subordinate officers and primarily pertaining to non-operational duties and responsibilities including those for which he is not directly accountable.

Complaint, Personnel

A personnel complaint is any oral or written report containing objection pertaining to the conduct of any member of the department rendering any phase of police service.

Department

Department designates this police agency, which is responsible for all police functions. It is known as the Flathead Reservation Police and its chief executive reports directly to the Community Services Committee of The Flathead Reservation Tribal Council.

Duty, Special

Special duty is a police service assignment, the nature of which requires that a member be excused from the performance of his regularly assigned duties; it may be used interchangeably with "special assignment."

Duty, Tour of

A member's tour of duty shall extend from the time he is required to report for work until the time the tour is over, after which time he is considered off duty. Tours of duty are prescribed by department policy.

Equipment, Personal

The following list of items shall be designated as personal equipment:

- (a) Badge
- (b) Baton and holder
- (c) Belts (trousers and gun)
- (d) Cartridge carrier
- (e) Chemical Mace
- (f) Departmental shoulder insignia
- (g) Flashlight
- (h) Handcuffs and case
- (i) Holster
- (j) Insignia of rank
- (k) Name plate
- (l) Notebook

(m) Shield

(n) Sidearm

(o) Whistle

Leave, Injury

Injury leave is that period during which a member is excused from duty with pay for reason of injury incurred in the line of duty.

Member

A member of this department is any of its employees, sworn or civilian.

Memorandum

A memorandum is a written notice issued for the purpose of announcing information of special interest to persons directly and personally affected, such as interdepartmental, personnel, or intradepartmental memoranda.

Officers, Police

Police officers are members of the department who are designated as such by virtue of their oath of office and who are charged to carry out the responsibilities and duties prescribed to them by statute, ordinance, and policy.

Officers, Commanding

Commanding officers are those police officers, or other designated members, who are responsible and directly accountable for the proper functioning of police activities.

Officer, Recruit

A recruit officer is one who is selected and appointed as probationary officer of the department serving in a capacity as a police trainee prior to the completion of his training period.

Officer, Supervising

A supervising officer is a police officer or other designated person performing supervisory duties, and who usually holds the rank of Sergeant.

Procedural Order

Procedural orders are written communications issued for the purpose of providing detailed instructions which outline the procedures to be followed to accomplish a major task or departmental policy. Procedural instructions are issued by authority of the Chief of Police.

Rank

Rank is a designation of a specific level of responsibility for execution of work, supervision, command, management, or administration specifically distinguished from other levels by class specifications and name.

Rank Order

Rank order is the vertical relationship of the several ranks of this department in respect to levels of authority and responsibility.

Rank Structure

Rank structure is the hierarchical arrangement of ranks within the department. The ranks of this department are listed below in descending order:

Chief of Police

Lieutenant

Sergeant

Patrolman

Detention Guard-Dispatcher

Services, Auxiliary

Auxiliary services are non-line functions and activities, other than staff services which provide technical, special, and other supportive or facilitative services to all non-line and line elements of this department.

Services, Line

Line services are functions and activities which are basically concerned with fulfilling primary police responsibilities.

Services, Staff

Staff services are non-line functions and activities which serve the purposes of developing personnel into effective patrol officers, supervisors, commanding officers, and administrators, and of developing this department to most effectively meet its responsibilities in fulfilling the police purposes or missions.

Watch

A watch designates one of the three basic time units for assignment of personnel, usually specified in terms of eight-hour periods.

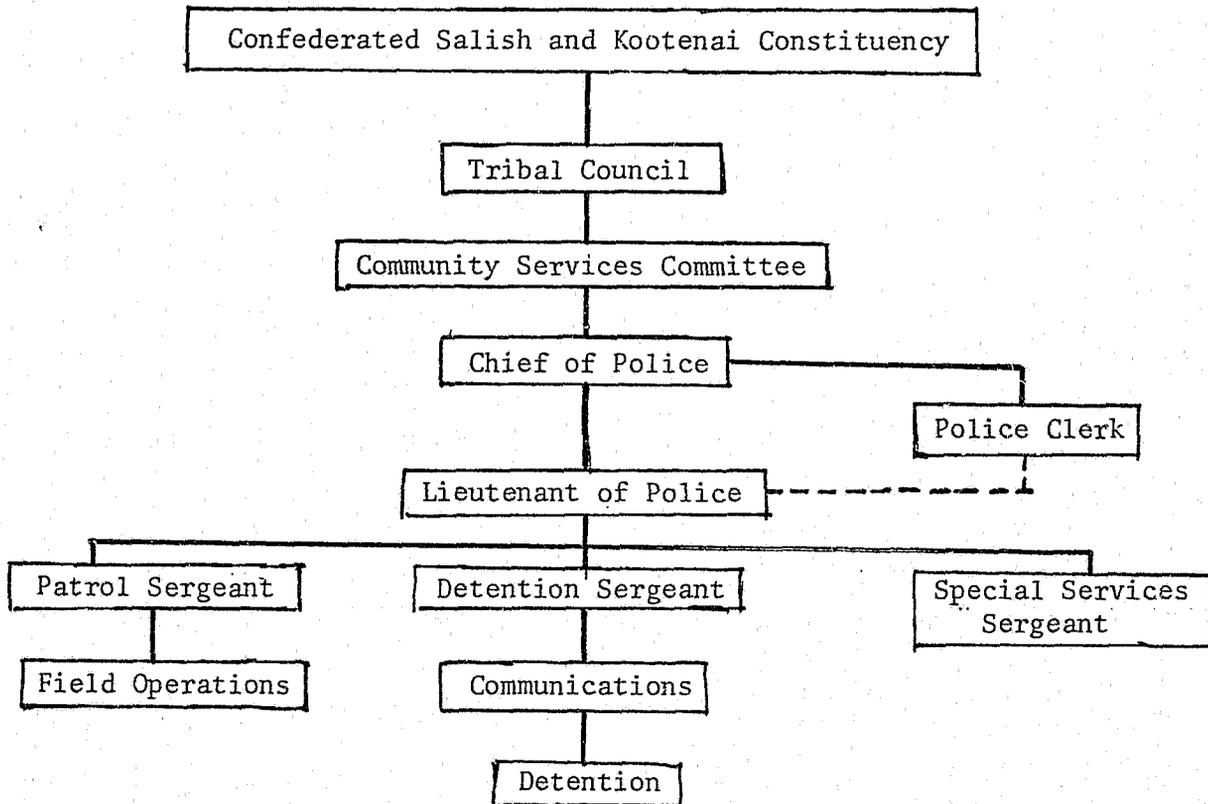
II. Organization and Position Descriptions

POSITION DESCRIPTION FOR TRIBAL CHIEF OF POLICE

- A. Supervision and Guidance Received: Works under the general supervision of the Community Services Committee with a great deal of freedom to take independent action. Receives technical guidance from the Bureau of Indian Affairs, Chief of Law and Order Branch. Is expected to plan, develop, direct, coordinate and execute the Law Enforcement Program of the Confederated Salish and Kootenai Tribes. Works within the framework of laws, regulations, general policy and other guidelines set forth by the Tribal Council and the Community Services Committee. Problems of an unusual nature are resolved through discussion with the Community Services Committee. Work is reviewed through discussions with the Community Services Committee and through review of periodic reports for adequacy of work accomplished and conformance to policy and procedures.
- B. Representative Duties: Responsible for planning, developing directing, coordinating and executing the Tribal Law and Order Program which provides for the prevention of crime and juvenile delinquency, enforcement of applicable Federal, state, county, Tribal, and fish and game laws; investigations of violations of the laws; and the arrest and prosecution of violators. Participates in and advises on community recreational activities as a means of crime prevention. The success of the Law Enforcement Program depends to a great extent on the ability to communicate with the Reservation people, to gain their confidence and trust, and to make them understand the value of law enforcement. This may be extremely difficult since some of them or their friends and relatives may have already been arrested. The enforcement of laws requires the incumbent to be expert in a broad range of Federal, state, county, various Tribal, and fish and game laws and the jurisdictions involved.

Conducting investigations requires, in addition to basic knowledge, abilities, and skills, knowledge of the scope, application, and interpretation of the specific laws and regulations relating to the investigative jurisdiction; laws and decisions relating to search, seizure, and arrest, and criminal methods of operation; the ability to discover and recognize evidence of crimes or violations, anticipate violent actions or reactions, analyze, interpret, and evaluate information, and make sound recommendations for action; and skill in the development and use of specialized

ORGANIZATION OF THE CONFEDERATED SALISH AND
KOOTENAI TRIBES OF THE FLATHEAD INDIAN
RESERVATION POLICE DEPARTMENT ALSO
KNOWN AS THE FLATHEAD TRIBAL POLICE OR
THE FLATHEAD RESERVATION POLICE



techniques, devices, and procedures in self-defense and the use of firearms in undercover and surveillance work and in dealing with emergency situations.

Supervises the work of the Assistant Police Chief and lower grade policemen and game wardens in the enforcement of the law and the investigation of violations. Handles the investigation of all felonies which include all of the major crimes such as murder, rape, manslaughter, incest, arson, and carnal knowledge.

Specific Duties

1. Determines the law enforcement needs of the Tribes by such things as discussions with the Tribal Council and individual members of the Tribe, review of statistics of crime rate, the number and type of activities scheduled, and the size of the reservation in terms of numbers of people and number of acres or miles to be covered. Based on these items he develops an effective Law Enforcement Program which will provide maximum coverage and protection taking into consideration the number and type of employees necessary and the effective use of these employees. Also, to be considered are the number and type of equipment and firearms necessary and the anticipated support from the Tribal Council and individuals and other law enforcement agencies.
2. Provides formal and informal training for the tribal police; arranges for formal training by FBI agents, other law enforcement agencies, and schools in such areas as the laws of search and seizure, the uses of specialized equipment, the procedure of lifting fingerprints and making castings of footprints and provides informal training in such areas as the civil rights laws, investigative processes, and firearms practice.
3. Conducts complete investigations of all felonies -- proceeds to the scene of the alleged crime, determines whether a crime has, in fact, been committed, which laws are applicable, which jurisdiction is involved, assures that the FBI has been notified, plans a systematic and thorough search for facts. Determines the projected nature, scope, timing, and direction of the investigation and its separate phases. Develops a plan of inquiry designed to obtain essential facts. Conducts fact-finding through such methods as interviews, observations, and analysis of records. Secures objectives and physical evidence. Verifies all information to assure the authenticity of facts. Determines when the investigation is completed which may be in the form of

arrest, an evaluative recommendation for final action or decision that further inquiry will be unproductive. Presents findings and results in clear, logical, impartial, and properly documented reports and established clear proof of facts. Coordinates and seeks assistance during investigations from other such law enforcement agencies as the FBI, Bureau of Narcotics, state, county, and municipal police. Certain circumstances make the investigative process difficult. For instance, there is a reluctance on the part of many people to respond to questioning or volunteer information.

4. Assists in preparing cases for prosecution through discussions, review of the reports, etc. May advise tribal judge relative to the specific laws or ordinances allegedly violated in cases to be heard in that court at the request of the court.
5. Maintains relationships with various civic groups, church groups, Alcoholics Anonymous, etc., and speaks at luncheons and meetings to create and maintain an interest in helping to reduce the crime rate on the reservation. Contacts the Tribal Council and individuals to encourage their participation in recreation activities and discussion groups for Indian youths and adults so that leisure time may be used constructively.

- C. Supervision Exercised: Exercises supervision of an administrative and technical nature over the Tribal Law Enforcement staff. This supervision consists of such things as selecting employees, making assignments, reviewing accomplished work, furnishing advice and guidance as necessary. establishing and supervising an in-service training program, evaluating the performance of employees, reprimanding employees as necessary, separating employees as necessary, and granting sick and annual leave. Is responsible for safe working habits, instructing subordinates in safety regulations and operations, good housekeeping work methods and instructions in the proper care and use of equipment, facilities and property. Delegates his authority to the Assistant Chief of Police in his absence.

POSITION DESCRIPTION FOR THE LIEUTENANT

- A. Supervision and Guidance Received: Works under the direct supervision of the Chief of Police and general supervision of the Community Services Committee. Is expected to assist the Chief of Police in the directing and coordinating and execution of the law enforcement program of the Confederated Salish and Kootenai Tribes. Works within the framework of laws, guidelines set forth by the Tribal Council and the Community Services Committee.
- B. Representative Duties: Responsible for the enforcement of applicable Federal, state, county, tribal, and fish and game laws; investigations of violations of the laws; and the arrest and prosecution of violators. Participates in and advises on community recreational activities as a means of crime prevention. The success of the law enforcement program depends to a great extent on the ability to communicate with the reservation people, gain their confidence and trust, and to make them understand the value of law enforcement. This may be extremely difficult since some of them or their relatives may have already been arrested. The enforcement of laws requires the incumbent to be expert in a broad range of Federal, state, county, various Tribal, and fish and game laws and the jurisdictions involved. Conducting investigations requires in addition to basic knowledges, abilities and skills; knowledge of the scope, application, and interpretation of the specific laws and regulations relating to the investigative jurisdiction; laws and decisions relating to search, seizure, and arrest; and criminal methods of operation; the ability to discover and recognize evidence of crimes or violations; anticipate violent actions or reactions; analyze, interpret, and evaluate information and make sound recommendations for actions; and skill in the development and use of specialized techniques, devices, and procedures in self-defense and the use of firearms, in undercover and surveillance work, and in dealing with emergency situations.

Supervises the work of the Sergeants and lower grade policemen and Game Wardens in the enforcement of the law and the investigation of violations.

Maintains relationships with various civic groups, church groups, Alcoholics Anonymous, etc., and speaks at luncheons and meetings to create and maintain an interest in helping to reduce the crime rate on the reservation. Contacts the Tribal Council and individuals to encourage their participation in recreation activities and discussion groups for Indian youths and adults so that leisure time may be used constructively.

- C. Supervision Exercised: Exercises supervision of a technical nature over the Law Enforcement staff. This supervision consists of making assignments, reviewing accomplished work, furnishing advice and guidance as necessary, evaluating the performance of employees, reprimanding employees as necessary, and separating employees as necessary. Is responsible for safe working habits, instructing subordinates in safety regulations and operations, good housekeeping work methods and instructing in the proper care of and use of equipment, facilities, and property. Delegates his authority to the sergeant in his absence.

POSITION DESCRIPTION FOR THE SERGEANT-PATROL AND GAME WARDEN

A. General Duties and Responsibilities

The Sergeant shall be responsible for assisting the Assistant Chief of police in the discharge of his duties. He shall execute all orders of the Chief of Police and Assistant Chief of Police promptly and cheerfully.

The Sergeant shall stand ready to assume full command of the police department in the absence of the Chief of Police and the Assistant Chief.

The Sergeant shall make decisions and issue orders willingly within the scope of his authority and accept the responsibility for his own determinations and decisions. He shall not abuse authority but will be ready to shoulder responsibility and exercise it judiciously.

The Sergeant shall be thoroughly familiar with departmental organization and the function of each unit. He shall know the overall policies of the Department and those of the various functions.

B. Supervisory Responsibilities

The Sergeant shall be responsible for enforcing all departmental rules and regulations pertaining to performance of patrol officers, game wardens, dispatchers, and detention personnel, and to the conduct and performance of such officers. The Sergeant shall make every attempt to handle infractions of the rules and regulations of a minor nature at their level, but shall not hesitate, when necessary, to refer the matter to higher authority for disciplinary action provided for under the rules and regulations of the Department.

The Sergeant shall supervise and direct the performance of field duties of officers under his command as to adherence to departmental policies and procedures, to execution of assignment, and to compliance with sound public relations responsibilities.

The Sergeant shall assign members of his command to duty at such times and places as required by an analysis of needs. He shall make assignments as reasonable as possible under existing conditions, and shall avoid hardships and exposure whenever possible.

The Sergeant shall never explode or "chew out" an officer for making a mistake. He shall always embrace the principle that

self-discipline is essential before one can discipline others. He shall determine the cause of the mistake and shall take appropriate steps to remedy the defect in a firm, courteous manner. He shall never jump to conclusions in judging the actions of men under his command, but shall make sure all the facts are known before reaching a decision as to what course of action to follow.

He shall make regular daily checks with the men in his command while they are on patrol, observing the conditions and completeness of equipment, the officers' appearance, and work methods. He shall, whenever necessary, point out firmly and courteously to officers areas of deficiency and insist upon the necessary corrections.

He shall regularly ride with members of his command for the purpose of checking the officers' operating techniques. He shall constantly evaluate the performance and abilities of all members of his command in order to provide specific information and training.

He shall make special checks of recruits and men newly assigned to his shift until he has thoroughly familiarized himself with the performance and ability of the new man.

He shall, whenever possible, go to the scene of all serious incidents or accidents that occur when his officers are on shift. He will make decisions as to priority of services in times of emergency.

He shall, when at the scene of an emergency or major accident and in his opinion it is needed, assume command and responsibility and by his actions evidence real leadership. He shall make an estimate of police responsibility, extent of participation, personnel needed, and officer assignments.

He shall periodically check the performance of his men in court. He shall check on cases lost to determine the causes and shall particularly look for any omissions or weakness which could be attributed to the case preparation.

C. Personnel Management Responsibilities

The Sergeant as the direct link between management and field personnel has the responsibility of keeping management informed of personnel problems as well as diligently seeking out sources of discontent. He must recognize that since he is the officers' direct contact with management, his personal conduct and standards must be above reproach, and he shall discharge his duties and responsibilities

in a courteous, firm, and impartial manner.

The Sergeant shall encourage all officers under his command to come to him to discuss problems of both a personal and departmental nature. He shall not avoid issues which may be personally distasteful to himself, but shall, by his actions, express the Department's policy of taking a sincere interest in the problems.

He shall be thoroughly familiar with all personnel in his command. He shall be familiar with personality, limitations, weaknesses, and outstanding qualities of each individual of his command and shall, in making assignments, take all of the factors into consideration.

He shall be aware of and look for signs of low morale. He shall locate the factors or conditions affecting morale and work to improve them. He shall report to his commanding officers conditions which he cannot correct or influence and shall support his men insofar as possible representing them adequately.

He shall be aware of how to distinguish between a good and a poor job, and shall know what factors affect productivity and performance. He shall evaluate group and individual activities by establishing gauges. He shall make periodic reports commending personnel under his command as well as reporting failings or weakness.

D. Training Responsibilities

The Sergeant shall be responsible for noting any deficiency in performance of men in his command and assist and advise them to strive to bring their performance to acceptable levels. He shall constantly keep abreast of the latest techniques in the police field and pass them on to the men of his command.

He shall advise his superior officers of areas of performance in which training deficiencies appear and recommend what steps should be taken to relieve this deficiency.

He shall be prepared to participate in some phases of the formal training programs. He shall constantly strive to improve his own supervisory capacity.

He shall understand the importance of the supervisory function in improving personnel, and shall be familiar with the various training methods and approaches. He shall support the Department training program in word and attitude.

A Sergeant's principal responsibility shall be to keep his subordinates informed and current in matters pertaining to their

work. His primary function is being a teacher.

E. Public Relations

The Sergeant shall work at promoting public relations in all ways possible and shall constantly "sell" the Department through demonstrated good services. He shall develop attitudes and practices of men under him.

F. Administrative Responsibilities

The Sergeant shall acquaint himself with special events scheduled to take place on or near the Flathead Reservation and make plans to handle the situation beforehand. He shall evaluate the need for police supervision, check the availability of police personnel, and make plans for assignment. At the conclusion of the event, he shall review operations for future reference.

He shall check the daily work reports of men in his command for the purpose of determining officer performance and areas of deficiency. He shall require that all officers in his command file reports within the time required as set forth in the General Orders.

He shall make sure of records in evaluating the performance of his men, planning activities, making assignments, etc. He shall maintain all records required of him currently and accurately.

The Sergeant shall make oral and written reports to his superior officers making suggestions and recommendations of all valid and appropriate matters relative to improvement of service.

G. Miscellaneous

The Sergeant shall keep himself in the best of health and shall guard against the tendency of physical strain to influence temper, judgment, attitudes, and general disposition.

He shall study himself for indication of instability, impatience, and nervousness on his part and work to minimize them. He shall maintain his composure under pressure and make decisions on an intelligent, rather than emotional basis.

POSITION DESCRIPTION FOR THE SERGEANT-COMMUNICATIONS AND DETENTION

A. General Duties and Responsibilities

The Sergeant shall be responsible for assisting the Assistant Chief of Police in the discharge of his duties. He shall execute all orders of the Chief of Police and Assistant Chief of Police promptly and cheerfully.

The Sergeant shall stand ready to assume full command of the police department in the absence of the Chief of Police and the Assistant Chief.

The Sergeant shall make decisions and issue orders willingly within the scope of his authority and accept the responsibility for his own determinations and decisions. He shall not abuse authority but will be ready to shoulder responsibility and exercise it judiciously.

The Sergeant shall be thoroughly familiar with departmental organization and the function of each unit. He shall know the overall policies of the Department and those of the various functions.

B. Supervisory Responsibilities

The Sergeant shall be responsible for enforcing all departmental rules and regulations pertaining to performance of patrol officers, game wardens, dispatchers, and detention personnel, and to the conduct and performance of such officers. The Sergeant shall make every attempt to handle infractions of the rules and regulations of a minor nature at their level, but shall not hesitate, when necessary, to refer the matter to high authority for disciplinary actions provided for under the rules and regulations of the Department.

The Sergeant shall supervise and direct the performance of field duties of officers under his command as to adherence to departmental policies and procedures, to execution of assignment, and to compliance with sound public relations responsibilities.

The Sergeant shall assign members of his command to duty at such times and places as required by an analysis of needs. He shall make assignments as reasonable as possible under existing conditions, and shall avoid hardships and exposure whenever possible.

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shall determine the cause of the mistake and shall take appropriate steps to remedy the defect in a firm, courteous manner. He shall never jump to conclusions in judging the actions of men under his command, but shall make sure all the facts are known before reaching a decision as to what course of action to follow.

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methods and approaches. He shall support the Department training program in word and attitude.

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He shall make sure of records in evaluating the performance of his men, planning activities, making assignments, etc. He shall maintain all records required of him currently and accurately.

The Sergeant shall make oral and written reports to his superior officers making suggestions and recommendations of all valid and appropriate matters relative to improvement of service.

G. Miscellaneous

The Sergeant shall keep himself in the best of health and shall guard against the tendency of physical strain to influence temper, judgment, attitudes, and general dispositions.

He shall study himself for indication of instability, impatience, and nervousness on his part and work to minimize them. He shall maintain his composure under pressure and make decisions on an intelligent rather than emotional basis.

POSITION DESCRIPTION FOR THE SERGEANT -- SPECIAL SERVICES

A. General Duties and Responsibilities

This Sergeant shall be responsible for the planning of all Pow-Wows, stick games, jump dances, and war dances and related activities that require policing.

He shall determine manpower requirements, placement, and scheduling.

He shall consult with other division sergeants in planning the utilization of available manpower.

He shall determine and through proper channels acquire the necessary funding for special police.

B. Personnel Management Responsibilities

He shall be knowledgeable of special escort needs, and fulfill those needs as they arise (i. e., funerals, parades, special events). He shall provide for Tribal representation at funerals of other law enforcement-related people.

He shall determine manpower requirements, placement, and scheduling for special security assignments (i. e., forestry).

He shall handle special investigations if assigned.

He shall, when need arises, be utilized as replacement manpower.

He shall plan and promote activities that display good will (benefit games).

Other duties as assigned.

POSITION DESCRIPTION FOR THE POLICE OFFICER

A. General Duties and Responsibilities

A Patrolman is a representative of the Confederated Salish and Kootenai Tribes. As such he is governed by not only legal but moral standards of the highest nature. His philosophy must be one of dedication to public service, submerging his own personal interest for the common good.

The duties, conduct, and deportment of the Patrolman will be governed by the Laws of the Tribe, Laws of the United States, General Orders of the Department, and the orders of superior officers.

B. Traffic Supervision Responsibilities

The Patrolman shall be responsible for apprehending traffic violators upon the roadways under the control of the Confederated Salish and Kootenai Tribes.

He shall issue warnings and such forms so provided by the Department to traffic violators when in his opinion, guided by departmental policy, such action is appropriate.

He shall issue summons and sign complaints when such action is necessary in the opinion of the Patrolman and is not in conflict with departmental policy.

He shall prepare all cases which are brought to Court thoroughly and completely.

He shall testify in Court honestly, impartially, and convincingly, bearing in mind he is a witness relating facts so that the Court may pass judgment.

He shall serve all warrants which are assigned to him promptly regardless of whether the source of the warrant is his Department or another Department.

He shall regulate traffic on the Flathead Reservation when such action is necessary to facilitate the movement of traffic.

He shall investigate all traffic accidents occurring on Tribal property unless the Montana Highway Patrol handles it. He shall conduct a complete inquiry into the accident and attempt to ascertain the cause or causes of the accident.

He shall take control of any emergency situations at which he is present.

C. Patrol Responsibilities

He shall check all abandoned cars parked in unusual locations for the purpose of detecting criminal activities.

He shall check all suspicious acting persons late at night and in the early morning hours for the purpose of detecting criminal activities.

He shall check traffic for motorists who need assistance and shall provide them with such aid as is practical under the circumstances.

He shall constantly strive to acquire information concerning all types of law violations within his patrol area and shall either take action himself or relay the information to the proper investigating agency.

He shall constantly strive to cultivate the contacts essential to good law enforcement work.

When assigned to and engaged in patrol, he shall patrol in a manner calculated to provide the greatest deterrent value and shall limit his stops to those essential to furthering the purpose of his patrol work.

D. Public Relations Responsibilities

A Patrolman shall address all violators in a firm, courteous manner, calculated to develop respect and confidence in the Officer and his Department.

He shall cultivate genial relations with Department employees, Tribal Council, Tribal Employees, and other police departments for the purpose of promoting mutual trust and respect.

He shall render courteous assistance to all persons with problems and shall give reliable information in a courteous manner to those seeking it.

He shall tactfully refuse any gifts, favors, or monetary reward which may be offered him for his service to the public so as to avoid placing himself and the Department in a compromising position.

E. Knowledge Responsibility

The Patrolman shall have a thorough knowledge of all criminal Tribal Ordinances including fish and game responsibilities which the Department has the responsibility of enforcing.

He shall have a thorough and complete knowledge of all sections of Federal and state laws dealing with criminal and civil matters that come within the area of his responsibility.

He shall have a general knowledge of county police departments and other governmental agencies, the person in charge, and the enforcement activities of all enforcement agencies in the area.

F. Coordination and Cooperation Responsibility

Patrolmen shall arrest, assist in prosecuting, or release to the proper agency having jurisdiction in the course of routine patrol duties.

He shall investigate, complete, arrest and assist in prosecuting any criminal complaint assigned to him by his Sergeant or other Superior Officer.

He shall through departmental channels, convey and information obtained relating to a violation of criminal law of which is not a direct responsibility of this Department.

G. Economy and Equipment Responsibility

The Patrolman shall be responsible for maintaining all equipment issued to him in good condition and using it as efficiently and economically as possible in view of the work necessary to accomplish his job.

He shall maintain his personal equipment such as uniform, guns, handcuffs, etc. in good repair. His personal equipment shall be complete, neat, free from blemishes, and in good working order.

He shall constantly strive to keep his patrol vehicle in good condition. He shall, while driving, take all reasonable precautions to avoid accidents. He shall report all vehicle defects which will cost over \$30 to repair to his superior. Under \$30, he shall take steps to get it repaired.

He shall see that he has all the necessary materials and equipment in his vehicle to properly meet his responsibilities.

He shall be responsible for reading and placing in his Manual all General Orders issued by the Department. He shall keep available for easy reference a complete file of all General Orders and shall be guided by them in all situations.

H. Records and Reporting Responsibilities

The Patrolman shall complete all reports required of him completely and promptly and forward them to the proper authority within the time prescribed.

He shall complete all reports in a manner that can be easily read and understood. He shall complete all items required and all necessary pertinent information.

POSITION DESCRIPTION FOR THE DISPATCHER-DETENTION GUARD

A. Supervision Received

He is under direct supervision of the detention sergeant and the general supervision of the Assistant Chief and Chief of Police. The incumbent will receive formal and informal training and strive to use such training to the highest degree of his ability. The Tribal Constitution, Tribal Code, and departmental manual of general orders, policies, and procedures will be used as guidelines.

B. Representative Duties

The detention guard-dispatcher is responsible for the operation of the base radio station, and shall be familiar with the procedures and regulations governing its operation as set forth by the Federal Communications Commission and the departmental manual.

He is responsible for dispatching officers to the scene of any criminal activity and relaying to the investigating officer all obtainable facts relevant to the situation. The safety and welfare of the officer in the field should be foremost in his mind.

He shall receive prisoners and complete booking requirements, including the securing of prisoners' personal belongings.

He shall assist the arresting officer, if necessary, in the handling or search of a prisoner.

He shall make the necessary arrangements for the prisoners' meals.

He shall make periodic checks of the cell block and kitchen areas to insure good housekeeping practices are maintained.

He shall conduct a weekly inventory of food and supplies necessary for prisoner care.

He shall make periodic prisoner checks as required by department policy.

He shall dispense prisoner medication as prescribed and maintain a record of each dosage given.

He shall supervise all prisoners' visits and check all visitors' packages for contraband.

He shall perform other duties as assigned.

He shall check doors and windows in the agency compound.

C. Public Relations Responsibilities

A detention guard-dispatcher shall address all violators in a firm, courteous manner, calculated to develop respect and confidence in the officer and his department.

He shall cultivate genial relations with department employees, Tribal Council, Tribal employees, and other police departments for the purpose of promoting mutual trust and respect.

He shall render courteous assistance to all persons with problems and shall give reliable information in a courteous manner to those seeking it.

He shall tactfully refuse any gifts, favors, or monetary reward which may be offered him for his service to the public so as to avoid placing himself and the department in a compromising position.

D. Knowledge Responsibility

The detention guard-dispatcher shall have a thorough knowledge of all criminal Tribal Ordinances including fish and game responsibilities which the department has the responsibility of enforcing.

He shall have a thorough and complete knowledge of all sections of Federal and State laws dealing with criminal and civil matters or pertaining to Tribal matters.

He shall be thoroughly familiar with the policies, procedures, and General Orders of the Department dealing with all matters that come within the area of his responsibility.

He shall have a general knowledge of county police departments and other governmental agencies, the persons in charge, and the enforcement activities of all enforcement agencies in the area.

E. Records and Reporting Responsibilities

He shall check all suspicious-acting persons late at night and in the early morning hours for the purpose of detecting criminal activities.

The detention guard-dispatcher shall complete all reports required of him completely and promptly and forward them to the proper authority within the time prescribed.

He shall complete all reports in a manner that can be easily read and understood. He shall complete all items required and all necessary pertinent information.

The detention guard-dispatcher is responsible for maintaining a radio log. All pertinent data received by radio shall be entered in the log.

Records and date of the following shall be the responsibility of the dispatcher on duty:

1. Complaints received
2. Offenses known and reported by all means of communication
3. Traffic accidents on the reservation
4. Non-enforcement services rendered
5. Prisoner log
6. Record of civil complaints received and served
7. Record of subpoenas, warrants, restraining orders, eviction notices, etc.
8. Prisoner medication records
9. Visitor log-prisoners
10. Long distance telephone call record

POSITION DESCRIPTION FOR THE POLICE CLERK

A. Supervision and Guidance Received

The Police Clerk is under the general supervision of the Chief of Police who relies on the incumbent for accuracy, initiative, independent judgment in accomplishing the duties pertinent to the Law and Order Program. Written guidelines are available by reference to the Tribal Constitution and Bylaws, Code of Indian Tribal Offenses, Petitions, Ordinances, etc. The incumbent is required to be thoroughly familiar with such guidelines so that only occasional need for reference is required.

B. Representative Duties

He receives telephone calls and visitors and gives out technical or other information as required. (Example: Jurisdiction problems, hunting and fishing regulations, Tribal Criminal Code, and which bodies of water are open for fishing.) This requires unusual tact in dealing with individuals and judgment in providing information due to the often confidential nature of law and order business.

He receives and arranges for follow-up action all mail related to the Agency Law and Order Program. He assembles all previous pertinent correspondence, documents, and informational material relative to the incoming mail for the Chief of Police. Upon general instructions, he assembles and summarizes additional information from the files or other available sources or takes necessary action with brief instructions. He furnishes statistical or informative material which can be assembled from the record and advises when it can be furnished.

He is responsible for preparation of reports, memoranda, and correspondence; responsible for assembling supplemental material on own initiative. Secures information for compiling Highway Accident Reports, Monthly Law and Order Reports, Special Reports or any other reports assigned by the supervisor. He takes and transcribes dictation at a rapid rate of speed and without interruption, transcribe Law and Order Reports from rough drafts, and types reports for Chief of Police and Assistant Chief.

He is responsible in the absence of the Chief of Police or Assistant Chief for noting immediate action necessary on reports or mail and takes action through the office of the Tribal Secretary to avoid unnecessary delays.

He makes all necessary arrangements for travel, processes obligations and travel authorizations, makes travel and hotel reservations, and processes travel expense vouchers according to regulations.

He keeps supervisors notified as to status of budget and conducts periodic budget analysis. Knows the Law and Order procedure for procurement of supplies, equipment, printing, maintenance service, etc., and sees that the Tribal Law and Order branch is adequately provided for in these areas. Also maintains a record of equipment obtained by the Department.

He makes up Reports of Arrest, Officers Complaint Reports, affidavits, receipts for equipment, keeping record of location of that which is loaned to other law enforcement Agencies.

He is responsible for receiving and transmitting messages on the police radio. He operates radio receiving and transmitting set in order to be aware of location and activities of Law and Order personnel and uses radio to communicate with nearby Sheriff's offices and Tribal Police.

He is responsible for maintaining leave records, compensatory time, and time sheets for all Law and Order personnel.

He sets up, maintains, and supervises an adequate system of records and files pertinent to the operation of the police department.

III. Rules and Regulations

General Code of Conduct

Duties and Responsibilities

Members of the department shall abide by the rules of conduct as set forth in Rules and Regulations, the Flathead Tribal Council, and all orders and rules of conduct of the Flathead Reservation Police Department. Any violation of these and/or other regulations may subject the member to disciplinary action.

On Duty and Prepared to Act

Officers shall be considered on duty at all times and shall be prepared to act in an official capacity when the circumstances warrant police action.

Officer to Be Informed of the Law

Each officer must know the criminal law. In theory, all criminal offenses as defined by Federal, state, and local ordinances fall within the officer's jurisdiction.

Officers will also be knowledgeable of various laws as may be specified by this Manual, departmental orders, regulations, or bulletins.

Officer to Know and Abide by the Law

Every officer shall know and abide by the law relating to the protection of civil liberties and the restraints upon governmental power. The moral and legal basis for the exercise of police power is liberty under law. Illegal exercise of this power erodes the foundation of government.

Officer to Carry out Police Objectives

Members shall preserve the public peace, detect and arrest offenders, prevent crime, protect life and property, and enforce the ordinances and statutes of the Reservation and the United States. Although every officer must enforce the law, it does not mean an arrest must be made every time there is sufficient grounds to make one. Unless departmental directives, orders of a superior officer, or other competent authority require an arrest to be made, the discretion of the officer to arrest or not is explicitly recognized.

Officers to Use Discretion

In order to guard against abuse of discretion, the following guidelines are laid down:

(1) Officers are accountable for the discretionary exercise of their authority. No officer will be disciplined for his decision in a matter which is undetermined by previous directives or orders. An officer may be advised or ordered to act differently in the future. The balance between individual discretion and the rule of law can be maintained only if officers are willing to submit their actions to scrutiny. Concealment or secrecy can raise a presumption that discretion has been abused. Discretion with accountability is the basic element of professionalism.

(2) When every legitimate law enforcement objective can be served by an action other than arrest and no legitimate objective will be served by an arrest, then no arrest need be made.

(3) A police officer may deal with situations which are classified more as disorderly or irregular than as dishonest or violent. Although technical violations of the law may occur in such circumstances, the officer's decision to advise, warn, cite, or help is a proper exercise of professional discretion. The officer's decision to ignore such situations may be deemed neglect of duty.

Officer to Obey Orders of Superiors

Every officer must obey the knowingly lawful orders of his superior and the instructions of dispatchers. Orders knowingly contrary to law shall not be obeyed; but officers refusing to obey an unlawful order may be required to justify their refusal.

Obedience to an order known to be contrary to law is not a defense against legal or disciplinary action.

Constraints upon Behavior

Every officer must honor those constraints upon his behavior arising from the nature of the police role he plays in society.

Some of these constraints, termed prohibitions or requirements, are to be found in other parts of the manual.

The underlying purpose of such constraints are to nurture general confidence in the police by fostering exemplary personal conduct and fairness in matters of social or political interaction. What a police officer does has symbolic importance which reaches beyond the immediate consequence. Acceptance of this fact, along with the special dignity and obligations conferred upon each officer will multiply the contributions which police make towards the well-being of the community they serve.

Non-sworn Personnel's Obligation to Department's Mission

Non-sworn members and employees of the department, although not personally responsible for the enforcement of the law, do provide vital support for the department's basic mission. All members will be attentive

to duty, obedient to the direction of superiors, and cooperative with fellow members in assigned duties.

Prohibited Employment

No member of the department may be employed in any place where liquor or beer is dispensed and consumed on the premises, or where there is gambling or any other business activity of an illegal nature.

Application for Outside Employment

- (1) All members of the department must apply to the administration for permission to accept outside employment.
- (2) Applications of request shall be obtained from the administration.
- (3) Applications shall be renewed each year.

Performance of Duty

Support of Fellow Officers

Members are required to perform their duties in a cooperative and supportive manner, one with another. They shall assist and protect each other in the performance of their lawful duties.

Courtesy and Respect for Departmental Members

Departmental personnel shall be courteous and civil and otherwise act with respect toward each other. They shall not publicly criticize any official act or member of the department.

Conduct Towards Officers of Other Jurisdictions

- (1) Members of the department shall cooperate with, support, and assist officers from other governmental police agencies when such "outside" officers are conforming with the requirements of the law in fulfilling their official duties.
- (2) When an officer must initiate police action against any officer from another police agency, he shall immediately notify his supervisor and document the incident in report form.
- (3) Officers shall not unnecessarily interfere with cases, work, or operation of any other agency.

Emergency Mobilization Status

All department members shall acquaint themselves with current emergency mobilization procedures and their individual responsibilities, and conform to these requirements.

Protection of Crime Scenes

Members assigned to or assuming control at a crime scene shall assume and perform those duties and responsibilities. In general they shall take steps to apprehend perpetrators of crime, care for the injured, detain witnesses, protect evidence, secure the crime scene, and make proper reports.

Punctuality and Preparedness for Duty

Members shall be punctual in reporting for duty at the time and place designated by their supervisors. They shall be properly uniformed, dressed, and equipped.

Remaining on Duty Until Relieved

Mobile patrol: During the course of patrol duties an officer may have occasion to leave his assigned district or area of patrol to perform personal functions such as meals, refreshment, or toilet. The officer will advise the dispatcher of such intent to leave an assigned area and shall receive permission to do so.

Assignment through Dispatcher

(1) Officers shall respond to and handle any assignment given by on-duty dispatchers. The failure by an officer to respond to a dispatched call will warrant a full explanation to his superior.

(2) Officers shall be knowledgeable in the use of their police radio and related equipment. They shall be alert to the possible malfunction of this equipment and shall notify the dispatcher should their equipment become inoperable. The officer shall call the dispatcher as soon as possible to determine any communications he may have missed.

(3) Upon completion of an assignment, officers shall immediately notify the dispatcher of their availability.

Response to Calls

Officers shall respond without delay to all calls. Calls shall be answered consistent with normal safety precautions and laws.

Emergency Responses

State law provides that an emergency vehicle can be driven in response to an emergency call or used in the pursuit of an actual or suspected violator of the laws, or in response to a fire.

(1) Officers shall determine whether the call warrants an emergency response. Under no circumstances will the officer respond in an unsafe manner or use unsafe speeds. Every officer will be held

accountable for the manner in which he drives his vehicle.

(2) Whenever an officer determines an emergency response is appropriate, such information will be relayed to the dispatcher so that other cars in the area will be aware of the vehicle on the emergency run.

(3) On an emergency run, both lights and siren will be used.

(4) Emergency responses must be used only when an emergency exists or there is adequate reason to believe that it exists. When the emergency ceases to exist the officer will alter his driving to a more reasonable response.

Operation and Use of Police Vehicles

(1) Officers shall operate official vehicles in a careful and prudent manner and shall set a proper example in their driving.

(2) Loss of driving privileges shall be immediately reported to superior officers.

(3) Departmental vehicles shall not be used for other than official police purposes.

(4) Only employees of the department shall be permitted to ride in police vehicles, except others may be transported as required on official police business or as permitted by administrative approval.

Departmental Equipment

(1) Officers shall use due care and caution in handling and utilizing departmental equipment. Such equipment and property shall be used as intended in the course of police duties and not appropriated for personal use.

(2) Each officer is responsible for the security of any and all equipment in his custody. He shall take such measures as are necessary to adequately secure police equipment.

Sickness: Malingering

(1) A member who becomes ill or is injured so he cannot report for assigned duties shall notify his superior officer as soon as possible.

(2) No member shall feign sickness or injury or deceive a representative of the department concerning his true condition.

(3) Members who become ill or injured shall, if possible, report this condition to their supervisor. All departmental personnel have a responsibility to secure prompt medical aid for members who are incapacitated due to on-duty injury or illness.

Sleeping on Duty

Sleeping while on duty is forbidden. If a member is unable to remain awake, he shall report his circumstance to his superior officer who shall determine a proper course of action. Superior officers shall report any subordinate found in violation of this section. Failure to do so will be considered neglect of duty by the superior officer.

Entering Amusement Places

(1) Members shall not purchase or accept intoxicating beverages while on duty, nor shall they keep or transport any such beverages in a police vehicle except as evidence to a case.

(2) Members shall not keep or store any intoxicant within a police building.

Members Loitering

Officers, while on duty, shall not loiter in cafes, drive-ins, or other public places except in the performance of police duties.

Personal Appearance

Members shall be clean and neat in their appearance. They shall bathe frequently and shall care for their personal grooming. Officers may be excused from the requirements of this section to perform special duties.

Care of Departmental Premises

(1) Members shall maintain orderly and clean premises, desks, lockers, or other facilities designated for their use.

(2) Officers shall keep clean, presentable, and serviceable the police vehicles and other equipment used by them.

Reading on Duty

While on duty, members shall refrain from reading materials not of a police-related nature in police vehicles or in such circumstances which bring them into public view.

Use of Tobacco

Members may smoke except in the following circumstances:

- (1) When in formation.
- (2) When smoking interferes with the performance of duty.
- (3) When engaged in traffic and/or crowd control duties.

(4) When in direct contact with the public.

(5) When riding a motorcycle.

Truthfulness Required in Police Reports

(1) Officers shall not falsify, remove, tamper with or withhold evidence or information or cause to be entered any inaccurate, false or improper information in any police report.

(2) Members shall report all crimes, violations, incidents, or other information of concern to the department that may come to their attention.

Completion of Official Reports

(1) Officers shall complete all initial reports before going off duty.

(2) Investigative officers shall make supplemental reports on assigned cases so that proper documentation can be maintained.

Court Appearances

(1) All members, when properly notified to do so, shall be required to testify as a witness before any competent investigative or judicial body.

(2) Officers shall maintain proper courtroom demeanor, and shall truthfully answer all questions directed to them under oath.

Police Business Confidential

Members shall not divulge or make available any information contained in police records or reports to any person or agency except as provided by departmental procedure. Each member has the responsibility of safeguarding the confidentiality of police business by not disseminating information in an indiscriminate manner.

Safeguarding Records

Members shall not remove any official record of the department, wherever it may be maintained, except as directed by their superior officer.

Maintaining Manuals

Members shall promptly make all directed changes, additions or deletions to the manual.

Address and Phone Number Requirements

(1) Members shall be required to have a telephone at their place of residence.

(2) Members who change their residence and/or telephone number will report any such change within 72 hours.

Release of Telephone Numbers to the Public

(1) All persons seeking addresses or telephone numbers of department members shall be referred to any of the following persons: secretary in administration office, desk sergeant, or the employee's immediate supervisor. The departmental representatives, as stated, will have the responsibility of contacting the member as soon as possible and advise him of the call. No telephone numbers or addresses will be given to the public.

(2) Members will not have personal telephone calls relayed through the dispatcher except in cases of an emergency.

Use of Telephone

(1) All members while on duty will answer telephones with their rank and name.

(2) All members will, when using the telephone, follow generally accepted procedures and courtesies.

Correspondence on Police Matters

Members shall not send any letter relative to police matters except over the typed signature of the Chief of Police.

Attorneys and Bondsmen Not to Be Recommended

Members shall not post or become bail for any person, nor shall they recommend attorneys, bondsmen, or bail brokers.

Recommendations of Leniency

(1) Officers shall not make any promise to a prisoner or his legal representative relative to immunity, probation, lesser degree of prosecution or similar promises.

(2) Officers shall not make recommendations of leniency or dismissal to any prosecuting attorney or any court in any case without the consent of the Chief of Police.

Harassment of Ex-Convicts

Officers will exercise care not to taunt or persecute ex-convicts.

Courtesy

(1) Members shall address ranking officers by use of their title and will not use first names or nicknames in front of the public.

Superior officers shall likewise address subordinates by their proper title.

(2) When the colors of the United States are carried in parade or procession or otherwise displayed formally, the officer in uniform shall stand at attention and salute, unless his urgent duties at the time make such action inadvisable. When the national anthem is played, officers shall stand at attention and face the music in a military manner.

Accepting Gifts or Gratuities

No member of the police department shall, for his own benefit, share in any gift, present, fee, or emolument for police services, additional to his regular salary.

Public employees and public officers are prohibited from knowingly receiving, accepting, taking, seeking, or soliciting, directly or indirectly, any gift or loan for himself or another if it tends to influence him in the discharge of official duties; or involved in any governmental action directly affecting the donor or lender, but this shall not apply to the following:

- (1) An award publicly presented in recognition of a public service.
- (2) Any bonafide loan made in an ordinary course of business authorized by the laws of this state or any other state to engage in making loans.
- (3) Political campaign contributions if same are actually used in a political campaign of the recipient public officers or public employees.

Businesses may offer discounts to members of the department. If these and similar advantages are offered on a class basis, generally available to all members, they may be considered acceptable.

This rule is intended to set a pattern of conduct whereby officers will not indulge in the acceptance of gratuities, no matter how small, which may raise questions concerning favoritism upon the part of the officer in the discharge of his duties.

Unacceptable Activities

No officer or public employee shall:

- (1) Accept employment or engage in any business or professional activity which might require or induce that person to disclose confidential information gained by reason of that employee's official position.

(2) Disclose confidential information acquired by reason of his official position or use such information for his or another's private gain or benefit.

(3) Use or attempt to use his official position to secure special privileges or exemptions for himself or others.

(4) Accept other employment which he might expect would impair his independence of judgment, in the performance of his public duties.

Political Activity Restrictions

Certain restrictions concerning political activity have been imposed upon members of the police department. The purpose of these restrictions is to remove law enforcement from partisan influence. The following activities are prohibited:

(1) Participation in any political convention as a member, delegate, or alternate.

(2) Holding office, committee membership, or other responsible position in any political party.

(3) Active campaigning for any candidate, political party, or political club -- including managing any such campaign, soliciting political support, or offering public endorsement.

(4) Raising money or other resources for any political purpose.

(5) Trying to influence the political activities of other persons by exercise of, or under color of, official authority.

(6) Holding any public office, elective or appointive, other than appointment to the police department. Leave of absence to run for public office may be granted as a privilege by the Chief of Police.

Political Activity Permitted

"Political," for the purpose of these regulations, has the narrow meaning of involvement in partisan activity and the electoral process. It does not mean public activity concerning specific issues as the issues are distinct from particular candidates or political parties. The following list illustrates the range of permitted activities:

(1) Membership in a political party and participation in its district mass meetings.

(2) Contributing money to political parties, clubs, or candidates. (Contributing time or services becomes active campaigning and is prohibited.)

(3) Private expression of political opinion. The line between private and public is hard to draw. But talking politics with friends and neighbors is private; door-to-door canvassing or talking politics with citizens encountered in the course of duty is public and therefore prohibited.

(4) Attending political meetings and sharing in the common deliberations or debate. No member of the department will be part of a political meeting's formal program, nor will he allow his connection with the department to be traded upon for any political purpose; but he may participate fully in the general meeting. Officers shall not attend political meetings in uniform.

(5) Working for or against a specific public objective -- organizing, raising funds, distributing petitions, speaking in public, etc. A member of the department might favor a particular bond issue or oppose a particular piece of legislation; his efforts in behalf of such public (but not "political") issues come under no special restrictions. Sometimes specific issues will be endorsed by a political party or candidate; working for or against such issues is not "political" (and therefore not prohibited) merely because a political party or candidate also stands for or against the particular issue.

Uniform Standards and Regulations

Uniforms

(1) Shall be defined as all or any part of the uniform which identifies the wearer as a Tribal Police Officer

(2) Shall be worn by all personnel while on duty, unless otherwise directed by supervisor.

(3) Shall remain the property of the Tribes

(4) Shall be worn only in carrying out official duties.

(5) Shall be kept clean and presentable

(6) Shall be replaced at Tribal expense if damaged while in performance of official duties

(7) Shall be replaced at wearer's expense if damaged due to misuse, neglect and/or carelessness

(8) Shall be returned upon termination of employment

(9) Shall only contain accessories, patches, and adornment prescribed by departmental directive.

Wearing the Uniform

(1) All officers and employees, unless specifically exempted by the chief of police, shall wear the prescribed uniform when on duty.

(2) The uniform may be worn off-duty. If the uniform is worn off-duty the wearer will not engage in any activity which will reflect in a negative or discreditable way upon the uniform, nor will the wearer be present in such places where the atmosphere may bring discredit upon the police service which the uniform symbolizes.

(3) Subject to certain regulations, the uniform may be worn while engaged in approved outside employment. Applications to perform outside employment in uniform (or in plainclothes) will be renewed each year.

(4) When worn, the uniform shall be worn complete.

Discipline, Review, Appeal

Discipline Generally

Discipline is both a regulatory and a communicative process, which contributes to effective organization and operation.

Regulations, regarded as elements of discipline, are prescribed patterns of conduct designed to reduce confusion and increase an organization's ability to act. But regulations may equally well be regarded as bits of communication: they tell members what is expected of them, and this allows individual members to fit their activities into the total organizational purpose.

Types of Punitive Disciplinary Action

Members of the police department are subject to three types of punitive disciplinary action:

A. Discharge: The Chief may discharge any member of the police department for cause. The causes include:

- (1) Misconduct
- (2) Incompetence
- (3) Failure to perform duty
- (4) Failure to observe departmental regulations

The actions of the Chief are subject to review by the Community Services Committee.

B. Suspension: The Chief may suspend any member without pay. It may be appealed to the Community Services Committee which may affirm or deny the suspension.

C. Reprimand: The Chief may reprimand any member for cause. Reprimands may be appealed to the Community Services Committee.

Informal Disciplinary Action

Discharge, suspension, and reprimand are only three types of discipline. There are, however, certain administrative actions that may be regarded as disciplinary which do not result in a disciplinary entry on one's record. Because these administrative actions are sometimes used to remedy problems arising from an individual member's behavior, they are described here:

(1) Assignment to Less Desirable Duty: A member may be assigned to less desirable duty as a consequence of his behavior. It should be remembered that mere reassignment carries no implication of fault.

(2) Transfer: A member may be transferred to another area. As with reassignment, there is no necessary implication of fault. These administrative actions may be combined; that is, warning may accompany reassignment or transfer.

Administration of Punitive Discipline

Apart from the requirement that like penalties be imposed for like offenses and certain standards for the actual delivery of disciplinary orders, the Chief of Police determines the procedures for administering punitive discipline. These procedures should not be confused with the investigative process underlying possible disciplinary action.

No punishment will be administered summarily. Every member facing punitive disciplinary action resulting in discharge or suspension will be afforded the following basic elements of due process:

(1) Disciplinary orders must be in writing and signed by the Chief. They shall be addressed to the person being disciplined and must advise him of the disciplinary action to be taken and the effective date thereof.

(2) Formal opportunity to refute the charges against him.

(3) Representation may be in person or by a member of the Tribes.

Findings and decision of the Community Services Committee following a hearing shall be certified to the head of the department from whose order the appeal is taken, and shall be final, and shall forthwith be enforced and followed by him.

Authority to Relieve from Duty

Superior officers, including sergeants, may relieve from duty any subordinate member. This authority is a special application of the authority to suspend, which belongs to the Chief alone. Subsequent disciplinary action may result in the member being suspended without pay retroactive to the time he was relieved from duty.

Investigation of Complaints

Sources of Complaints

Complaints against members of the police department that may lead to eventual disciplinary action are first investigated to determine their truth. Such complaints may arise from a number of sources, but for convenience are classified into two types:

(1) External Complaints: These originate outside the department, usually but not always from a private citizen who has come into unsatisfactory contact with an officer or seen him do something objectionable.

(2) Complaints Within the Department: A member may be complained against by another member within the department. Usually a superior officer will complain about the conduct of a subordinate member, in which case the ordinary command structure adequately provides for the investigation of the complaint, but special procedures exist to handle complaints falling into other patterns.

Investigation of External Complaints

External complaints require scrupulous treatment to maintain continued public respect for the department's ability to regulate itself. Investigation will take the following shape:

(1) If the complaint can be settled by explaining a procedure or otherwise resolving some misunderstanding to the complainant's satisfaction, that is done and the matter closed with no further action.

(2) If the complaint alleges serious misconduct on the part of a department member, the complainant is required to sign a written statement detailing the incident in question. (The police department will press criminal charges against anyone wilfully making a false complaint.) The complainant is told he may be required to take a polygraph examination to ascertain the sincerity of his complaint. His statement is notarized to make it legally binding.

(3) Normally the member complained against will be informed of the complaint at this point, if he has not heard of it before; but particular circumstances may preclude this.

(4) Sound investigative techniques will be used as appropriate -- including interviews with available witnesses, taking statements, and gathering evidence.

(5) If ordinary investigation cannot resolve the facts at issue, the complainant may be required to take a polygraph examination on the substance of his complaint. Refusal to do so will result in closing the investigation with no further action.

(6) The member complained against may voluntarily take a polygraph examination concerning the incident in question, and may be required to do so by order of the Chief of Police.

(7) If preliminary investigation indicates the member complained against may have committed a criminal offense, the Chief of Police will refer the case to the county attorney. When the county attorney has considered it, the Chief will resume his own investigation in light of the county attorney's findings and proceed toward a disposition. (The county attorney's decision not to prosecute does not necessarily preclude departmental action.)

(8) The Chief of Police will prepare a report of the results of his investigations. This report will draw conclusions as to the substance of the complaints; possible dispositions of the complaint are:

Unfounded -- complaint not based on facts or alleged incident never occurred.

Exonerated -- incident occurred by member's actions which were justified and proper.

Sustained -- evidence supports allegations.

Information only -- complaint so vague, general, or minor that no conclusion was reached.

If the complaint is sustained, the chief may initiate disciplinary proceedings.

Complaints from within the Department

Complaints against a member from within the Department should be handled through normal chain of command if feasible. The complaint will be transmitted orally unless a superior officer requests that it be put into a confidential form. The Chief of Police will review the complaint. If he finds it without substance, he will so inform the complainant. If the complaint warrants further inquiry, the Chief of Police will confer with pertinent members to decide how the complaint should be handled.

A member having reason to believe the complaint may be compromised by passage through normal channels may register it confidentially with the Chief. The Chief will decide how the complaint should be handled.

Although his anonymity will be respected and he will not be subject to disciplinary action (unless the complaint is wilfully malicious), the complainant must be prepared to justify his departure from normal channels to the chief.

This extraordinary procedure may be used only for complaints alleging personal misconduct. Complaints about administrative matters should be handled through the grievance procedure.

Grievances

Grievance Defined

A grievance is a member's complaint about some aspect of his employment which can be remedied by management action. Excluded from the grievance procedures are matters of formal disciplinary action; these have their own procedural safeguards as specified under "Administration of Punitive Discipline." Also excluded are matters outside the discretion of departmental management to change, such as legal requirements. A grievance is always concrete and personal: it claims an individual member's work-related interests have suffered or will suffer unfairly because of some actual management decision.

More than one individual may join in a grievance if each is directly involved in the specific action aggrieved.

Scope of Grievances

Complaints of the following types will be handled through the grievance procedure:

- (1) Violation, misinterpretation, misapplication, or unfair application of departmental directives or common practice.
- (2) Inequitable assignments.
- (3) Unfair distribution of overtime and part time work scheduled by the department.
- (4) "Personality conflicts."
- (5) Physical working conditions.
- (6) Informal disciplinary action.

Complaints about merit ratings, promotions (both in-grade and in-rank), and salary are excluded from the grievance procedure.

Informal Grievance Procedure

The initial step of the grievance procedure is simply the regularization of ordinary working relations between members of the department and their supervisors:

- (1) A member with a grievance will discuss it first with his immediate supervisor UNLESS his relation with the supervisor is the cause of the grievance, in which case he may take it directly to the Assistant Chief of Police. Even when this is so, the member should seriously consider discussing it with his supervisor first. Direct settlement between them, when possible, both quickly resolves the issue and strengthens communication within the department at its most important level.

(2) The grievance must be brought within seven days of its cause. A grievance with a continuous or recurring cause may be brought at any time.

(3) The grievance must be answered within four days. If the grievant's supervisor lacks authority to redress the grievance, the grievant will be so notified and seven additional days allowed to answer the grievance.

(4) Grievances resolved to the grievant's satisfaction will be closed with no further action. Unresolved grievances will move to the formal grievance procedure.

(5) Grievance shall be noted in employee's and supervisor's log with action taken.

Formal Grievance Procedure

Formal grievances should be avoided when possible; they tend to convert normal working conditions into matters of contention, thereby creating adversary relationships between members of the department. It is the responsibility of superior officers to minimize the necessity of formal grievances by dealing fairly and candidly with informal grievances.

(1) Any member whose informal grievance has not been resolved to his satisfaction, or who has not received an answer within the allotted time, may begin a formal grievance.

(2) No member may begin a formal grievance without having proceeded through the informal step, unless a superior officer requests that the grievance be put in writing at the beginning.

(3) The written grievance should contain the following:

(a) A brief statement of the member's complaint and its relation to a grievable issue (see "Scope of Grievance").

(b) The date of the grievance's cause.

(c) The date the grievance was submitted to the member's supervisor.

(d) The name of the member's supervisor.

(e) The date the grievance was answered.

(f) A brief statement explaining why the answer is not satisfactory.

(g) A suggested resolution of the grievance.

(4) The written grievance will be submitted to the supervisor's superior officer, a copy being given the supervisor for his information. The written grievance must be submitted within four days of having received an unsatisfactory answer to the informal grievance.

(5) The superior officer receiving the written grievance must respond within four working days, either by answering the grievance in writing or by arranging a meeting to be held within seven days of the grievance's submission. The grievant may be accompanied or represented by a person of his choice at any such meeting, and may call pertinent witnesses.

(6) Grievances unresolved to this point may be resolved at the Tribal Council level. The Tribal Council's decision shall be final.

IV. Procedures

Arrest

Arrest Defined

An arrest is the taking of a person into custody so that he may be held to answer for a public offense.

Arrest by Whom Made

An arrest may be made by a peace officer or a private person.

Manner of Making an Arrest

The person making an arrest must inform the person to be arrested of the intention to arrest him, of the cause of the arrest and the authority to make it, except when the person to be arrested is actually engaged in the commission of, or an attempt to commit, an offense, or is pursued immediately after its commission or after an escape.

Time of Arrest

An arrest may be made on any day, at any time of the day or night.

Arrest Without a Warrant

An officer may arrest a person without a warrant:

- (1) For a public offense committed in his presence.
- (2) When the person arrested has committed a felony, although not in his presence.
- (3) When he has reasonable cause for believing the person to have committed a public offense, although not in his presence, and there is reasonable cause for believing that such person before a warrant can be obtained and served may:
 - (a) Flee the jurisdiction or conceal himself to avoid arrest or
 - (b) Destroy or conceal evidence of the commission of the offense, or
 - (c) Injure another person or damage property belonging to another person.
- (4) When a felony has in fact been committed, and he has reasonable cause for believing the person arrested to have committed it.

- (5) On a charge, made upon reasonable cause, of the commission of a felony by the person arrested.
- (6) At night, when there is reasonable cause to believe that he has committed a felony.

Arrest with a Warrant

A warrant of arrest is a command from the Court. An officer must therefore execute a warrant which is fair on its face. If the warrant specifies a charge against a particular person, and is issued by a magistrate of competent jurisdiction, it is fair on its face; and an officer cannot be held liable for false arrest if he serves such a warrant. Nevertheless, the officer must be certain that the person arrested is in fact the person named on the warrant. In addition, he must inform the arrested person of the authority of the warrant, and show the warrant if required.

Use of Force and Deadly Force

Any person is justified in using any force, except deadly force, which he reasonably believes to be necessary to effect an arrest or to defend himself or another from bodily harm while making an arrest. However, only an officer (or another person acting by an officer's command in his aid and assistance) is justified in using deadly force to make an arrest or to prevent escape.

Reason for the Use of Deadly Force

Refer to Firearms Policy

Misdemeanants

An officer may not intentionally use deadly force to effect the arrest or prevent the escape of a misdemeanor, unless such person is attempting to escape by use of a deadly weapon or otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay in situation where it is necessary for the immediate protection or safety of the officers or others.

Duties of the Officer

The essential requirement is that the arrested person be taken before a magistrate without unnecessary delay. The arresting officer discharges his duty when he books the arrested person into jail; the responsibility for his custody and the protection of his rights is then transferred to the dispatcher detention guard.

- (1) Arrest with a Warrant: An officer who arrests a person on a warrant will fill out and sign the return on the warrant, leaving the warrant with the jail personnel for transmission to the court.

- (2) Arrest Without a Warrant: An officer who arrests a person without a warrant will make the appropriate departmental reports.
- (3) Transporting a Person Arrested by Another: When an officer does not himself make the arrest, but accepts custody of the person, he will book the arrested person into jail and make the appropriate departmental reports. It is the arresting person's responsibility to make a complaint, not the transporting officer's.

Citizen's Arrest

A private person may arrest another:

- (1) For a public offense committed or attempted in his presence.
- (2) When the person arrested has committed a felony, although not in his presence.
- (3) When a felony has been in fact committed and he has reasonable cause for believing the person arrested to have committed it.

Note that a private person's power to arrest is lawful only when an offense has been committed; he cannot make an arrest merely because he has reasonable cause to believe an offense has occurred.

Jurisdiction of Officers

A Flathead Reservation police officer, being duly authorized by the Flathead Indian Reservation Council, may exercise a peace officer's authority beyond the limits of such officer's normal jurisdiction as follows:

- (1) When in fresh pursuit of an offender for the purpose of arresting and holding that person in custody or returning the suspect to the jurisdiction where the offense was committed.
- (2) When a public offense is committed in such officer's presence.
- (3) When participating in an investigation of criminal activity which originated in such officer's normal jurisdiction in cooperation with the local authority.
- (4) When called to assist peace officers of another jurisdiction.

Any peace officer, prior to taking such authorized action, shall notify and receive approval of the local law enforcement authority, or

if such prior commitment is not reasonably possible, notify the local law enforcement authority as soon as it is reasonably possible. Unless specifically requested to aid a police officer of another jurisdiction or otherwise as provided for by law.

Arrest Distinguished from Other Situations

There are several types of restraint and detention that do not in themselves constitute arrest. A person cannot lawfully be detained without reason, but the reasons for detaining a person need not be as strong as the "reasonable or probable cause" required to make an arrest. Some types of interference with personal liberty, lawful if exercised in good faith and in the performance of duty, are:

- (1) Stopping and Questioning: Persons suspected of an offense or reasonably thought to know something about an offense may be stopped and questioned. The officer's right to stop and question persons follows from his duty to enforce traffic and vehicle regulations, to maintain the peace, to prevent and suppress crime, and to investigate suspicious circumstances. Such questioning may reveal grounds for arrest; if so, an arrest may then be made. But no person may be arrested merely on suspicion; and the justification for questioning a person does not in itself amount to grounds for arresting him.
- (2) Questioning Witnesses: The law has a right to every person's evidence. From the police responsibility to investigate crime, it follows that an officer has the right to question persons who may be found -- on the street, at their homes or places of employment, in their cars, at the scene of a crime -- so long as the detention and questioning is reasonable in the light of circumstances.
- (3) Protective Custody and Restraint: A child or dangerously insane person may be detained if necessary for his own protection or that of others. Similarly, a person may be reasonably restrained from injuring himself or others, or from breaching the peace without making an arrest.
- (4) Giving Notice to Appear in Court: Neither service of a subpoena nor issuance of a citation constitutes arrest. Such notices constrain a person to appear in court at a certain time, but they do not restrain his freedom in the sense of arrest; nor is he thereby placed in custody of the law. When an officer issues a citation, he is not making an arrest, but is instead ordering a person to appear in court or accepting his promise to do so.

Off-Duty Arrests

An officer is always responsible for maintaining the peace, whether or not he is on duty. If a crime is committed in his presence, if there

is immediate danger to life or property, if an emergency requires immediate action, he will act as if on duty. But he need not -- indeed, should not -- intervene in ordinary neighborhood disputes and domestic quarrels that may informally come to his attention when off duty. In no case will an officer take police action in his personal grievances and those of his family unless the circumstances are so grave as to justify defensive measures. Officers must call an on-duty officer to handle any such circumstances coming to their attention.

Arrested Persons Needing Medical Care

Arrested persons needing medical care will be incarcerated in the jail, but will be transported to that source of medical treatment currently being utilized by the department.

Custody of Arrested Persons Receiving Medical Care

- (1) If the person is not admitted into the hospital, the transporting officer will retain custody of him until he is booked into jail.
- (2) If the person is admitted into the hospital, and he is charged with a misdemeanor or an infraction, he may be left at the hospital without guard, with the concurrence of the hospital staff. The hospital will notify the department when the person is to be released, and he will then be transported and booked into jail.

Misdemeanor Citation

Whenever possible, officers will use the Notice to Appear and Complaint in lieu of arrest. It is departmental policy to issue a citation to all persons charged with a misdemeanor instead of arresting them unless the person is under eighteen years of age or there is positive reason to make an arrest. Arrest is mandatory in the following circumstances:

- (1) The person is drunk.
- (2) A warrant for the person's arrest is outstanding.
- (3) The person is wanted in another jurisdiction.
- (4) Further investigation is necessary (including a custodial search which can be made only incidental to arrest).
- (5) The offense might develop into a felony.
- (6) The offense is sexually motivated.
- (7) The offense involves narcotics, drugs, or controlled substances.

Situations under (3), (4), (5), (6), and (7) shall be referred to county authorities at the earliest possible time.

Elements for Misdemeanant Citations (Notice to Appear and Complaint)

In all other misdemeanor cases, the person will be cited instead of arrested if all the following conditions are met:

- (1) The person identifies himself beyond a reasonable doubt.
- (2) The person is an Indian and member of the tribe or a member of a Federally recognized tribe.
- (3) The person has been locally employed or full-time student for at least 6 months immediately preceding the offense.
- (4) The person waives his right to be taken before a magistrate without unnecessary delay (his signing the citation constitutes waiver of this right).
- (5) The person signs the citation, thereby promising to appear in court at the appointed time.
- (6) The officer knows no facts or circumstances indicating that the person should be booked.

Officer's Procedures - Misdemeanant Citations (Notice to Appear and Complaint)

If the officer is satisfied that the person should be cited instead of arrested, he will:

- (1) Complete all reports, just as if he had arrested the person, putting the cited person's name, the misdemeanor citation number, and the date of appearance in the space titled "Arrested Persons" on the report form.
- (2) Appoint a date for the person's appearance in court and put it on the citation. The date will be five business days after the date of citation. If that falls on Monday, the date of appearance will be six business days after the date of citation. (Business days exclude Saturdays, Sundays, and holidays.)
- (3) Specifically inform the cited person of the time, date, and place of appearance and warn him that failure to appear will result in a warrant for his arrest.
- (4) Put the arresting person's name, if a private citizen, on the citation, and advise that person to appear in court on the morning of the next business day to make a complaint.

Search and Seizure

Constitutional Rights

"The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue but upon probable cause supported by oath or affirmation, particularly describing the place to be searched, and the person or things to be seized."

Search and Seizure Defined

Search is the active exploration of hidden places for something concealed. Seizure is the forcible taking of something from its possessor. A successful search will lead to a seizure, which is the search's goal and justification. But a thing may be seized without necessarily having been the object of a search.

Search Warrant Defined

A search warrant is an order in writing, in the name of the State, signed by a magistrate and directed to a peace officer, commanding him to search for personal property or unlawful goods and bring it before the magistrate.

- (1) The fruits of a crime - stolen or embezzled property.
- (2) The instrumentality of a crime - property designed, used, or intended to be used as a means of committing a crime.
- (3) Contraband - property unlawful to possess.
- (4) Evidentiary property - property relevant to the crime.

Obtaining a Search Warrant

The magistrate must decide whether there is probable cause to issue a search warrant. He can do so only on the basis of a sworn and signed written statement from an affiant (officer), and he must examine the affiant under oath regarding the facts. It is therefore essential that the affidavit clearly and simply set forth the grounds for a warrant. The place to be searched must be precisely identified, the property to be seized specifically described, and the facts and information establishing probable cause carefully presented.

Executing a Search Warrant

The search must be conducted in a reasonable manner. Several rules apply to the execution of a search warrant:

- (1) The search must be conducted in the daytime, unless the warrant specifically allows search at night, good cause having been shown in the affidavit.

- (2) The warrant must be legally served as soon as possible not to exceed 10 days.
- (3) Forceful entry must be preceded by announcing the authority and purpose of the entry, unless the warrant specifically allows entry without notice. (See "No-Knock" Warrants.)
- (4) Persons may not be searched unless identified on the warrant. The presence of a person on the premises to be searched does not subject him to lawful search, unless circumstances would indicate danger to the officer.
- (5) The search must be conducted in a manner consistent with the things to be seized. (A search warrant for stolen television sets does not allow prying into places where a television set could not possibly fit.) Moreover, needless destruction of property will render the entire search unreasonable.
- (6) A detailed receipt for any property seized must be given to its possessor or left where the property was found if no responsible person is present to take the receipt.
- (7) If present, the possessor of the premises may be allowed to observe the search and his cooperation solicited.
- (8) Upon completion of the search, the premises must be secured if the possessor is absent.

Return of Search Warrant

The officer executing the search warrant must return it and a written inventory of the property seized to the issuing magistrate. The inventory must have been made in the presence of witnesses or in the presence of the possessor of the property seized and the affiant for the warrant; and the officer must swear that the inventory is true and complete.

"No-Knock" Search Warrant

An officer may break into a building without notice to execute a search warrant if the warrant specifically allows such entry. The magistrate can issue a no-knock warrant only if there is probable cause to believe that the property to be seized is a controlled substance easily disposed of, or that serious danger to the officer or others would result if notice were given.

Seizure of Property Not Described on the Warrant

A search warrant allows active exploration only for the property described on the warrant. But if during the course of a reasonable search for the property described the officer finds any other fruits or instrumentality of a crime, contraband, or evidentiary property,

it may be seized. Such property will be separately listed and identified on the inventory returned to the magistrate.

Search and Seizure Without a Warrant

Search without a warrant can be made only:

- (1) Incidental to lawful arrest.
- (2) By consent.
- (3) In emergency situations.

The search must be conducted in a reasonable manner. Several rules apply to the different types of search without a warrant.

Search Incidental to Lawful Arrest

The general rule is that an arrested person may be completely searched, the area under his direct control may be examined, and any incriminating property (whether or not related to the offense for which the person was arrested) may be seized as evidence.

- (1) If the arrest is unlawful, the search is unreasonable; and any incriminating property found will not be allowed as evidence; moreover, if the arrest is technically lawful but merely a pretext to search, the search is unreasonable.
- (2) The search must follow immediately upon the arrest, or with no more delay than is demanded by the circumstances.
- (3) Guilt-laden things in the constructive possession of the arrested person may be searched; for instance, the checked baggage of a person arrested in transit. But, mere discovery of house or car keys on the arrested person gives no right to search the house or car.
- (4) Incriminating property in plain view where the arrest is made may be seized; but only the area within the arrested person's immediate control may be searched, not the entire room, residence building, or vehicle.
- (5) Body cavities may be searched in extraordinary circumstances. An officer may use reasonable force to search the mouth if extraordinary circumstances exist, for instance, if the arresting officer has strong reason to believe the person has put seizable property into his mouth. The anus or vagina of an arrested person may be subject to visual search by an officer of the same sex or by someone of the same sex acting in the officer's aid. But search of the anus or vagina by touch or instrument, and search of the stomach or intestines, may be conducted only by a physician. If

such search is necessary, a search warrant should be obtained.

- (6) A person arrested for a traffic offense may be searched completely, just like any other arrested person. However, an offense for which a summons is ordinarily issued cannot be used as a pretext for arrest merely to gain the right to search. If a person is not arrested for a traffic offense but merely cited, he may not be searched.
- (7) The most important reason for searching an arrested person is to protect the officer and prevent escape. When in doubt, search. The second reason is to secure evidence. When in doubt, get a warrant; it is the best guarantee that seized property will be admitted into evidence.

Search by Consent

The constitutional guarantee against unreasonable search and seizure is a personal right which may be waived. But mere acquiescence or passive acceptance does not amount to consent. Where a search by consent is challenged, the courts consistently require the prosecution to show that informed consent was in fact freely given. Some elements of a valid search by consent are:

- (1) The identity of the person giving consent and his authority to do so.
- (2) Precise description of the places to be searched and the things to be searched for.
- (3) Clear understanding that the officer has no right to search, and that the person has a constitutional right to prohibit the search.
- (4) Absence of any duress, coercion, threats, or promises to obtain consent.

A written statement containing these elements and signed by the consenting person is the best way to ensure the admissibility of evidence.

Only a person having the right to occupy the premises can consent to their search.

The right to occupy must be distinguished from ownership and the right to be present.

- (1) Joint occupants (spouses, partners, roommates) may consent to the search of shared areas as well as areas under their own control, but not to areas under the exclusive control of the other.

- (2) A landlord (including an innkeeper) cannot consent to the search of a tenant's premises.
- (3) An employee, unless specifically authorized or qualified by the nature of his position, cannot consent to the search of his employer's premises. An employer cannot consent to the search of property set aside for his employee's exclusive use.
- (4) A parent may consent to the search of an area occupied by his child living at home. A child cannot consent to the search of his parent's premises except those under the child's exclusive control. If the facts clearly show a non-familial relation between parent and child (the parent is the child's landlord, an adult child shares rent with a parent, etc.) the rules of that relation prevail.
- (5) A host may consent to the search of premises occupied by a guest or visitor, but not to the search of a guest's personal property. A visitor or guest cannot consent to the search of his host's premises. A long-term guest may acquire a tenant's right of privacy in some circumstances.

Mere permission to enter is not consent to search, though it does establish lawful presence and therefore allows an officer to seize things in plain view. Consent to search one area does not allow search of other areas. The person may withdraw consent at any time, at which point the search must be stopped; but evidence found before then may be seized.

Even though a person does not consent to the search of his premises, the manner and circumstances of his refusal may contribute to the probable cause needed to get a search warrant.

Search in Emergency Situations

By law and custom, police officers are expected to intervene in dangerous situations, often subjecting themselves to danger in the process. When an officer reasonably believes he needs to enter a private place to save a life or prevent injury or serious property damage, he may do so even by forceful entry if necessary. Similarly, he may search a private place when in hot pursuit of an offender, or when he knows that contraband will be disposed of if he delays.

Situations Related to Search and Seizure

The constitutional guarantee against unreasonable search and seizure has forced the courts to develop standards of reasonableness applying to situations not covered by search warrants, search by consent, search incidental to lawful arrest, or emergencies.

- (1) Frisk: To frisk or pat-down a person is to touch his outer clothing for the purpose of discovering dangerous weapons. An officer may frisk a person he has lawfully stopped, even though no grounds exist to arrest him, whenever the circumstances and the person's behavior give the officer reason to suspect himself endangered. The purpose of a frisk is to protect the officer in field encounters with persons; it is therefore allowed on grounds of suspicion, not probable cause. It cannot be used to justify seizure of things not reasonably thought to be weapons; and any arrest based on such seizure is illegal. But discovery of a concealed weapon may be grounds for arrest, and a full search may then be made.
- (2) Abandoned Property: Things thrown away or left in a constitutionally unprotected place may be seized and examined. This includes things dropped or otherwise discarded by a person, but not things temporarily separated from him.
- (3) Open Fields: Private property not used for domestic purposes may be searched without a warrant and without locating the owner for consent. But the area and building around a house (the curtilage), whether fenced in or not, may not be searched on the open field doctrine.
- (4) Thing in Plain View: Contraband or evidence of a crime, if seen from a place the officer has a right to be, may be seized whether or not it is on private property. For instance, a marijuana plant growing in a window box visible from the alley may be seized, for an officer has a right to be in the alley and marijuana is contraband. But a gun seen in an apartment by moving a curtain may not be seized, for an officer has no right to move a closed curtain in a private residence and a gun is not necessarily contraband. Nor would marijuana seen by opening the closed curtain be seizable, for the officer has no right to open the curtain even if by doing so he sees contraband. (If the wind blows the curtain open, he may see what he can see.)

Search of Vehicles

Vehicles, though constitutionally protected against unreasonable search and seizure, pose special problems because of their mobility. The general rule is that a vehicle may be searched without a warrant if there is probable cause to believe it contains seizable property, when getting a warrant would risk losing the opportunity to search. Mere belief or suspicion is not enough to justify such searches.

- (1) Incidental to Traffic Violation: A vehicle involved in a traffic violation, whether its driver is merely cited or arrested, is not subject to a search. But additional facts may justify a search -- for instance, the odor of marijuana, a gun butt partially visible under a seat, or a drunk driver.

- (2) Impounds: Impounded vehicles must be examined and an inventory made of their contents. Such examination is for the sake of safekeeping and is not a search. Fruits of a crime, instruments of a crime, or contraband found in the course of examination may be taken. But examination may not be used as a pretext to search; removing seats, door panels or hub caps is unreasonable. Vehicles subject of forfeiture may be searched completely.
- (3) Vehicles which are themselves evidence, fruits, or instruments of a crime may be searched without a warrant -- for instance, a stolen car or a hit and run vehicle.

The Logic of Reasonable Searches

It is the rationale which leads to a search that justifies its reasonableness, not the seizure of incriminating property resulting from the search. A reasonable search is a search for which reasons can be given. The courts fairly consistently follow this simple rule. But, they cannot, without violating the constitution, allow searches based on hunches or arbitrary judgments. The basic pattern justifying an eventual search is that every step leading to it should be reasonable. If one step justifies taking another, and that step justifies a third, the circumstances may quickly add up to probable cause. But skipping steps destroys the chain of inference and makes the search unreasonable. Many "hunches," properly developed and not prematurely acted upon, can be turned into the probable cause required to make a reasonable search.

Public Disorder

Civil Disturbances -- Definition

The point at which a group of people turns into a civil disturbance is sometimes difficult to define. It is the police department's responsibility to protect the personal rights of all citizens, to safeguard private and public property, to keep and restore the peace, and to apprehend violators of the law. These responsibilities sometimes come into conflict in civil disturbances. When they do, the most important thing is to keep and restore the peace.

Request for Assistance

Whenever an officer comes upon an unruly or potentially unlawful group, he should always request back-up help. The mere presence of several officers often prevents the eruption of violence and permits quick control if violence does break out.

Watch Commander -- Responsibilities

All potential or actual disturbances involving a large group will be reported to the watch commander immediately.

Considerations in Handling Major Disturbances

Major disturbances are by nature unpredictable, but recent experience has produced considerable agreement on some points:

- (1) Police may utilize community leaders to help calm a situation or isolate unruly persons from an otherwise orderly assembly; they should be given a chance to do so. But a clearly riotous situation must be broken up with minimum force and maximum speed. Unnecessary force by police and unnecessary delay both contribute to the riot itself.
- (2) Individual action by police officers is dangerous. There must be no talking with participants, no arguing or taunting, no freelance enforcement. The key to controlling a mob is strict police organization, which means complete adherence to the mobilization plan.

Reports

Reporting System Procedures

It is important that all employees of the department understand the purposes and procedures adopted by the administration for the reporting, maintenance, purpose, and retrieval of information. It is, therefore, the intent of this section to explain to members of the department their responsibility in maintaining accurate and complete record files.

Need for Reporting

Reporting of information concerning field activities is necessary for the following reasons:

- (1) To guide and control the work of field personnel. In order to be effective the report must insure that all information obtained as the result of police action is officially recorded so that it is available for later use.
- (2) To provide necessary information for successful planning of future police operations.

Types of Reports

The following are basic reports used by the Flathead Reservation Police Department, with a brief explanation as to type of cases they apply to:

- A. **Offense Report:**
In each instance involving any type of action by members of the department.
- B. **Investigation and Arrest Report:**
In all cases where additional information is necessary

beyond that contained in offense report. Whenever an arrest is made.

C. Case Incident Record:

This is a Bureau of Indian Affairs report to be made out in each instance of any police action.

Situations Requiring Report

A report must be made on the following:

- (1) When a crime has been committed.
- (2) When a further investigation may be required.
- (3) When the police officer takes any positive action or there is an indication the facts of the current incident may be helpful in a future investigation, i.e., child neglect, prowlers, etc.
- (4) All additional or supplemental information to previous cases.
- (5) When there is any indication that the facts of the incident may tend to embarrass the department.
- (6) When there is a death or probable death.
- (7) When there is any question as to whether the incident requires a written report.

Evidence

Procedures used in the preservation of evidence are extremely important to both the police department and the individual officers. Not only can the accumulation, documentation, marking and retention of evidence be critical to an investigation and its ultimate successful prosecution, but can bring charges of unprofessionalism and worse upon the officer and the department he represents if improperly implemented. It is imperative that officers follow the procedures set forth in this manual when dealing with all types of evidence and property which fall into custody of the officer.

Evidence Gathering

- (1) An officer, whether working individually or in cooperation with others, shall be responsible to preserve and protect the scene of a crime and the evidence contained therein.
- (2) An officer, when locating evidence, shall follow proper procedures in recording pertinent information as to the type of evidence located, where located, by whom, etc. This information will be included in such reports as may later follow the investigation.

- (3) An officer may resort to such assistance as may be necessary to make a proper crime scene search. He shall confer with his supervisor, when necessary, to determine the proper utilization of manpower, technicians, diagrammers, etc. needed for a search of a crime scene.
- (4) Evidence which may bear latent fingerprints or other evidence particles shall be properly handled in such a way so as to prevent destruction or contamination of evidence.
- (5) Evidence collected or taken by an officer shall be marked for future identification by each person involved with the custody of it until it is placed in evidence.
- (6) Such identifying marks shall be recorded in the report of the officer.
- (7) The chain of evidence is critical in the prosecution of a case. Care must be taken so as not to break the chain of those who take custody of evidence. Evidence must be accounted for at all times if it is to be introduced into court. It is important to keep the chain of evidence as short as possible and the handling of evidence at a minimum.

Property for Safekeeping

From time to time the officer will find occasion to remove property from a vehicle being impounded, pick up found property, or assume custody of another's property for safekeeping. Such property shall be placed in evidence for safekeeping after proper evidence forms are completed.

- (1) The officer shall place such property in evidence as soon as possible to do so. The officer shall under no circumstances place the property in his personal locker, desk, etc. All evidence and appropriate reports will be properly prepared and completed prior to the officer's going off duty.
- (2) If property is removed from a vehicle that is impounded a notation shall be made in the report.

Narcotics Evidence

Officers confiscating any type of suspected narcotics, pills, marijuana, or narcotics paraphernalia, will follow the procedure.

- (1) Separate all such evidence from any other evidence that has been taken into custody.
- (2) Package each narcotic or drug item or containers separately and mark it properly for identification. Include on the outside of the package a description of its contents (i.e., 9 red and yellow caps).

- (3) Place the property in evidence in the usual manner.

The above procedure will enable narcotics officers to remove items for analysis without disturbing any other evidence involved in the case and will simplify the chain of evidence necessary for court.

Radio Code

It is imperative that officers be acquainted with the appropriate numbers code used by the department so as to facilitate oral communications in the shortest amount of air time and to avoid furnishing outsiders, who may monitor police department frequencies, with information on police matters.

Proper Response

All officers with the exception of supervisors or command level officers when initially called by the dispatcher will answer with their call numbers and their location. Supervisors and command level officers may respond with their call numbers.

This same procedure will be followed during dispatcher radio checks.

Restrictions

- (1) Officers shall refrain from using radio equipment to transact personal business, converse unnecessarily from car to car, or with dispatch personnel, nor will vulgarity be used on any transmission.
- (2) Officers will check their squelch and mike buttons from time to time so as to determine the functional ability of their radio equipment. If found inoperable, the officer will make an effort to obtain repairs as soon as possible and will advise the dispatcher and his supervisor.

Notification to Dispatcher of Activities

Officers will notify the dispatcher of the following activities:

- (1) When transporting females in custody or as passengers, the officer will give the dispatcher his unit number, location, and mileage as indicated on the speedometer.
- (2) When leaving the vehicle to inspect a building, vehicle, issue a citation, or make a field interrogation, the officer will notify the dispatcher of the unit number and location where the officer is to dismount, and for what purpose. If a license plate number is available, the officer will broadcast the license number to the dispatcher.
- (3) When leaving his assigned area of patrol the officer will advise the dispatcher of his intent and gain permission to do so.

- (4) When leaving his vehicle to enter an eating establishment for the purpose of taking his lunch, the officer shall advise the dispatcher, and will conform with instructions either from that source or from the supervisor. Should the officer be advised that he must wait to call out of service, he shall comply and remain in service.

Special Categories

Juveniles - Jurisdiction and Procedures

Juvenile - Custody of

A child may be taken into custody by a peace officer without order of the court:

- (1) When in the presence of the officer the child has violated a state law, Federal law or local law or municipal ordinance;
- (2) When there are reasonable grounds to believe that the child has committed an act which if committed by an adult would be a felony;
- (3) When the child is seriously endangered in its surroundings, or when the child seriously endangers others, and immediate removal appears to be necessary for its protection or the protection of others;
- (4) When there are reasonable grounds to believe that he has run away or escaped from his parents, guardian, or custodian.

Notification

- (1) When an officer or other person takes a child into custody, he shall without unnecessary delay take the child to the Mission Valley Receiving Home. The officer delivering the child to said receiving home shall make a reasonable attempt to notify parents of the child.
- (2) A child shall not be detained by the police any longer than is reasonably necessary to obtain his name, age, residence and other necessary information, and to take the child to the Mission Valley Receiving Home.

VI. GENERAL ORDERS

GENERAL ORDER

SUBJECT: DEPARTMENTAL FIREARMS POLICY

1. Purpose

The purpose of these regulations is to set forth the Tribes' policy and procedures relating to the use of firearms.

2. Policy on the Use of Firearms

A firearm is a defensive weapon. It may be discharged when, in the considered judgment of the officer, there is imminent danger of loss of life or serious bodily injury to the officer or another person. The weapon shall be fired only for the purpose of rendering a person incapable of continuing the activity prompting the officer to use it. The firing of warning shots is prohibited.

This policy does not apply to the use of firearms to participate in official marksmanship training or to kill a dangerous or seriously injured animal.

3. Authority to Carry a Firearm

a. Employees Permitted to Carry Firearms

Duly appointed, full-time Tribal law enforcement officers or trainees receiving firearm instruction may be authorized to carry firearms. Trainees may only carry a firearm while receiving instructions.

b. Authorizing Official

The Chief Tribal law enforcement officer shall designate those Tribal Law and Order employees to be authorized to carry firearms. The authority may not be redelegated.

c. Initial Qualification Requirement

Tribal law enforcement officers or trainees, prior to qualifying, may be authorized to carry firearms during supervised training. They are required to receive training in the use of weapons, policy, and safety. They must be certified by a qualified instructor as proficient in the use of police firearms before they will be authorized to carry firearms in performance of their official duties.

d. Semiannual Requalification Requirement

Tribal law enforcement officers must attain a score of 70 percent or better within the previous six months to be qualified to carry a firearm. If an officer fails to qualify he may be retested. Additional tests to qualify may be scheduled.

Any officer who fails to qualify shall be reassigned, pending qualifications, to duties that do not require the use of firearms. Any officer who fails to qualify after ten attempts shall be permanently reassigned to a position which does not require the use of firearms.

4. Actions to Be Taken when a Firearm Is Used

a. Responsibility of Officer Firing Weapon

A law enforcement officer shall prepare a written report stating all facts when a weapon is fired in performance of his official duties except while in training or to kill a dangerous or seriously injured animal. The officer shall verbally report the firing of the weapon to the supervisor immediately. The verbal report will not relieve the officer of the responsibility of filing a written report.

b. Responsibility of Supervisor

Upon receipt of a report that a weapon has been discharged without injury to any person, the immediate supervisor shall investigate the incident and submit a report of the findings to the Chief of Police. The Chief of Police will forward all reports with any recommendation to the Community Services Committee.

c. Investigation Procedures

Upon notification that an officer has injured or caused death with a firearm, the Chief of Police shall place the officer on administrative leave or assign the officer exclusively to administrative duties pending a thorough investigation of the incident by the Chief of Police. If the Chief of Police caused the injury or death, the Community Services Committee shall conduct the investigation. The Committee shall determine what action will be taken based on the findings of the investigation.

If disciplinary action is considered necessary, appropriate procedures complying with the provisions of Tribal regulations shall be followed. The Chief of Police shall transmit to the Committee a copy of the investigation report and a report of the action taken.

The officer causing death or injury with a firearm shall have the opportunity to have a person or persons of his choice represent him throughout the investigation and during any hearing.

The investigating officer may request assistance from another investigative agency.

5. Firearms Authorized for Police Use

a. Standard Police Handgun

Tribal Law Enforcement officers will be issued the standard police .38 or .357 caliber revolver and ammunition. The use of other types of hand guns such as automatics, semi-automatics, parabellums, or calibers other than the authorized .38 or .357 caliber is prohibited. The barrel length may be not more than six (6) inches nor less than three and one-half (3 1/2) inches for uniform personnel and not less than two (2) inches for plain clothes or off-duty personnel. Only standard load ammunition may be used.

b. Shotguns

Standard police shotguns and ammunition may be issued to individual officers or assigned to official patrol cars at the discretion of the Chief of Police.

00 Buck shot and rifled slug are designated as standard ammunition.

c. Waiver Provisions

The Chief of Police may grant a written waiver for firearms or ammunition not authorized under a. and b. above.

d. Auxiliary Firearms

Under emergency conditions the ranking law enforcement supervisor at the scene may, if necessary and after conferring with other law enforcement supervisor personnel, when possible, authorize the assignment and use of auxiliary firearms. Auxiliary firearms are defined as any projectile-launching weapon that is capable of causing death or injury.

6. Weapons Management and Maintenance

a. Officers Authorized to Issue Firearms

Firearms shall be issued by the Chief of Police to law enforcement officers or trainees authorized by Tribal Policy. Personal weapons carried on duty will be registered with the Chief of Police by make, model and serial number and meet requirements outlined under 5., above.

b. Receipt for Firearms

Each enforcement officer issued a firearm shall acknowledge receipt of the firearm by full description of the weapon, including serial number or identification number. The receipt

shall contain the following statement: "I, (officer's name), have completed the training, and met the qualification standards for carrying, issuance, care and use of firearms as prescribed by Tribal Firearms Policy as of (date). I further understand that I must receive additional, supervised training and requalify no later than (date) or I am to return to the issuing officer the above described firearm(s) by the aforementioned date."
(Officer's signature)

The original receipt for issued firearms shall be maintained in a separate file established under the control of the Chief Tribal Law Enforcement Officer, who is responsible for assuring such records are current and accurate.

c. Lapse of Firearms Qualification

Whenever an enforcement officer's firearms qualification lapses the Chief of Police shall request return of the weapon.

d. Firearms Cleaning

Each officer shall clean issued firearms at least once every two weeks or after each use of the firearm. Ammunition shall be replaced at least once a year. Each officer shall immediately report the loss or damage of a service firearm to his supervisor.

e. Firearms Storage

The proper storage of firearms, at home, shall include: rendering firearm inoperable by a safety device and/or by storing ammunition and the firearm separately. Both ammunition and firearms shall be stored in places not readily accessible to children.

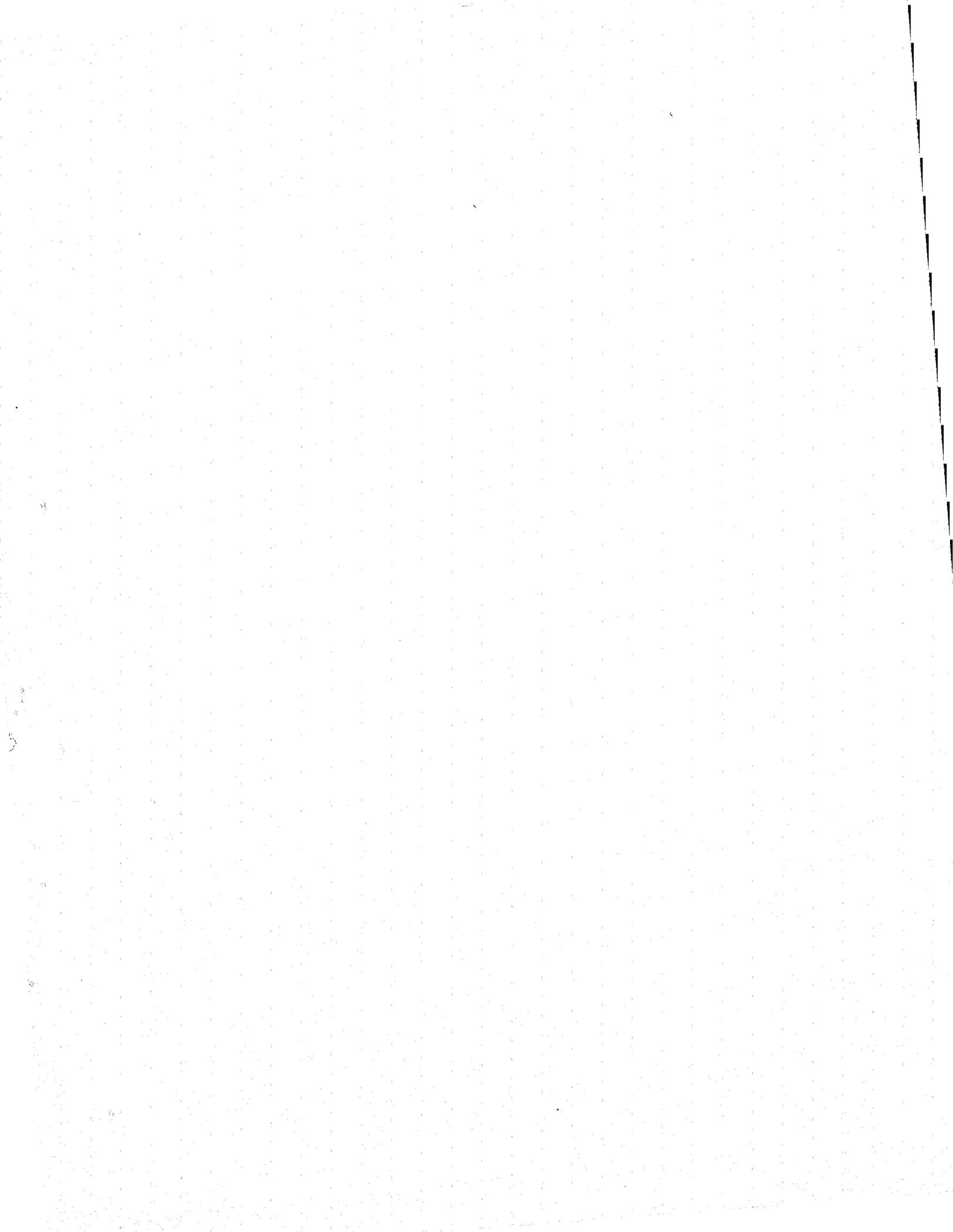
f. Wearing of Firearm

Officers shall not unnecessarily display sidearms or other firearms nor uncase them in any public place except for inspection or official use. Uniformed law enforcement officers shall carry sidearms in full view. Plain clothes officers shall normally carry firearms concealed from view when in a public place.

g. Carrying of Firearms While Off Duty

Tribal law enforcement officers are permitted to carry prescribed firearms while off duty. However, officers are not permitted to carry firearms outside the jurisdiction to which assigned.

Carrying of firearms while under the influence of intoxicating beverages or drugs is expressly prohibited.



CONTINUED

1 OF 2

All off-duty weapons shall be carried with badge and credentials. Hand guns shall be carried in an approved holster.

h. Weapons Inspections

The Chief of Police shall conduct monthly weapons inspections and note the results of the inspection on the monthly consolidated report of the police officer's daily log. Weapons inspection deficiencies require the supervisor to take immediate corrective action.

Unserviceable weapons shall be replaced by serviceable weapons from existing stock while being repaired.

7. Marksmanship Training

a. Minimum Qualifying Score for an Officer

An officer must score a minimum of 70 percent on one of the approved qualification courses in order to be certified as proficient in the use of police firearms. A score below 70 percent is unsatisfactory for purposes of the required semiannual weapons qualification.

b. Appropriate firearms qualification courses used for Tribal Police will be of those types determined by the instructor.

c. Marksmanship Proficiency

Tribal Law Enforcement officers shall remain proficient in the use of weapons issued and all officers shall participate in a marksmanship training program of not less than four (4) hours every six (6) months. Appropriate records shall be maintained by the Chief of Police.

d. Marksmanship Program

The Chief of Police shall develop appropriate marksmanship programs to motivate professionalism of law enforcement officers. The holding of competitive Inter-Area marksmanship matches and occasional participation in NRA-sponsored matches will establish rapport with neighboring jurisdictions and serve as a medium of goodwill in developing an exchange of professional information and courtesies.

GENERAL ORDER

Subject: POLICY FOR ISSUANCE AND USE OF CHEMICAL AGENTS

Tribal Officers shall be issued the standard "Mace" or similar chemical agent authorized by the Chief of Police. The carrying or use of chemical agents, other than that issued, is prohibited.

The individual officer shall exercise discretion in its use and will not unnecessarily display or use it until peaceful means of effecting arrest or handling a situation have been exhausted that poses a threat of bodily harm to the officer or other persons.

When a situation arises that requires the officer, in his judgment, to use a chemical agent in the performance of his duties, the officer will carry out the following procedure:

1. Administer treatment to the recipient as outlined by the manufacturer of the agent used to neutralize the apparent after effects of the agent, such as neutralizing with baking soda or flushing with water.
2. Complete and forward a signed report to the Chief of Police stating the recipient's name, time and date used, time and type of treatment used by the officer, and reasons justifying its use, within 24 hours of the incident.

If any serious side effects are observed by the officer after its use, he shall make an immediate oral report to the supervisor and arrange for necessary medical treatment. The oral report shall not release the officer of the responsibility for filing the above stated written report regarding the incident.

GENERAL ORDER

Subject: Mandatory Officer Reports

Each officer shall, prior to ending his tour of duty, return to the Office to complete the following reports to be turned in to supervisor or dispatcher:

- Daily Log Book, to be left at the office.
- All Incident/Arrest and Investigation Reports.
- All Data Cards for the shift being completed.
- All Civil Process return forms.
- All Notices to Appear and Complaint forms.
- The operator record will be left in the vehicle and filled out on a daily basis.

GENERAL ORDER

Subject: PERSONAL APPEARANCE AND HABITS

A. Hair and Beard

1. All personnel shall be clean shaven with hair neatly combed. Hair shall be cut in such a manner that it does not cover the ears nor be longer than shirt collar length.
2. Female employees shall be exempted with the exception that they shall not wear hair styles that invite negative reactions from people served.
3. Beards of any type are expressly prohibited.

B. Sideburns shall not reach below the tip of the ear lobe level nor be of the "mutton chop" style.

C. Mustaches

1. Mustaches shall not reach below the corners of the mouth nor conceal the upper lip.
2. They shall be neatly trimmed.

D. Hands

1. Hands shall be clean.
2. Fingernails shall be clean and neatly trimmed.

E. Personal Adornment

1. Excess jewelry or personal adornment is expressly prohibited.
2. Earrings and necklaces shall be considered excess jewelry for uniformed personnel.

F. Personnel may not consume alcoholic beverages unless approved by the Chief of Police or his designated representative and while attending an authorized social function.

G. Personnel shall not consume or have administered debilitating or stimulant drugs or compounds without approval of immediate supervisor.

H. Exception to the above requirements may be made by the Chief of Police or his designated representative.

OFF-DUTY PERSONAL APPEARANCE AND HABITS

- A. Personal appearance of off-duty personnel shall be left to the individual's discretion.
- B. The Chief of Police, or his designated representative, may, if off-duty dress or habits adversely affect the department's image:
 - 1. Set acceptable standards of appearance and behavior as on individual basis
 - 2. Suspend personnel until standards are met
 - 3. Take what action is necessary to assist individuals to meet acceptable standards.
- C. Drugs and/or Medication
 - 1. Consumption or use of illegal drugs or compounds is expressly prohibited.
 - 2. Personnel shall not consume or have administered debilitating or stimulant drugs or compounds within six hours of reporting for duty, without approval of the immediate supervisor.
- D. Alcoholic Beverages
 - 1. Personnel shall not have consumed alcoholic beverages within six hours of reporting for duty.
 - 2. Personnel shall not consume alcoholic beverages while wearing a badge, uniform or other items identifying their person as a Tribal Police Officer.
 - 3. Personnel shall not frequent those places that would adversely affect the department's image.

GENERAL ORDER

SUBJECT: EQUIPMENT, PROPERTY & UNIFORMS

1. All assigned and issued equipment, property and uniforms remain the property of the Confederated Salish and Kookenai Tribes. Issued equipment, property and uniforms shall be used in carrying out official duties. The use of said equipment, property and uniforms, for any other purpose is expressly prohibited. The Chief of Police shall maintain an inventory of all departmental equipment, property, and uniforms.
2. Accountable Equipment and Property
 - A. Accountable equipment will be receipted by the Receiving Officer who shall be responsible for its care.
 - (1) Shall be maintained in such a manner that it is functional at all times
 - (2) Shall be available for inspection upon request of supervisor
 - (3) Shall be returned upon demand
 - (4) Loss or damage due to neglect, misuse and/or loss due to carelessness shall be cause for disciplinary action and/or restitution for repairs or replacement costs.
 - (5) It shall be returned upon termination of employment.
 - B. Unaccountable Equipment and Property
 - (1) Shall be issued as the need arises
 - (2) Shall be used for the purpose issued and in a manner prescribed by the issuing officer.
 - (3) Shall be available for inspection upon request of the supervisor.
 - (4) Shall be maintained in such a manner that it is functional at all times.
 - (5) Shall be returned upon demand
 - (6) Loss or damage, due to neglect, misuse and/or carelessness shall be cause for disciplinary action and/or restitution for repairs or replacement cost.
 - (7) Shall be returned upon termination of employment.

C. Uniforms

- (1) Shall be defined as all or any part of the uniform which identifies the wearer as a Tribal Police Officer
- (2) Shall be worn by all personnel while on duty, unless otherwise directed by supervisor.
- (3) Shall remain the property of the Tribes
- (4) Shall be worn only in carrying out official duties.
- (5) Shall be kept clean and presentable
- (6) Shall be replaced, at wearer's expense, if damaged due to misuse, neglect and/or carelessness
- (7) Shall be replaced, at Tribal expense, if damaged while in performance of official duties
- (8) Shall be returned upon termination of employment
- (9) Shall only contain accessories, patches and adornment prescribed by departmental directive.

GENERAL ORDER

SUBJECT: CARE AND OPERATION OF MOTOR VEHICLES

Vehicles

- (1) Shall be used only in performance of official duties
- (2) Shall bear equipment, accessories and insignia as outlined in the Montana Highway Code on emergency vehicles and departmental directives
- (3) Shall carry only personal property and articles for which they are designed and/or authorized to carry
- (4) Shall be serviced by qualified servicemen according to factory
- (5) Shall be kept clean, presentable, and functional.
- (6) Shall be searched after transporting each prisoner or passenger and before being returned to duty status.
- (7) Shall be driven only by authorized personnel holding a current Montana Drivers License.
- (8) Loss or damage due to neglect, misuse, or carelessness shall be cause for disciplinary action and/or restitution for repairs or replacement costs. Damage incurred as the result of an accident, where the operator of the departmental vehicle receives a traffic citation shall be considered misuse.
- (9) Shall not be operated by persons under the influence of intoxicating beverages or drugs.
- (10) Shall be inspected once each week by supervisory personnel with defects and/or needed repairs noted in the vehicle log.
- (11) A separate log for each vehicle shall be maintained and kept in the vehicle.
- (12) Defects in workmanship and repairs shall be noted by the operator and brought to the attention of his supervisor
- (13) Shall be operated in compliance with all traffic laws, and in a careful and prudent manner without unnecessary danger to persons and property or possible damage to the vehicle.

VII. PROCEDURAL ORDERS

PROCEDURAL ORDER

SUBJECT: TELEPHONE ETIQUETTE

Proper courtesy in all aspects of police service is a part of our overall responsibility to our profession and the citizens we serve. Often times, when communicating via the telephone, we become less courteous than we normally would in face-to-face communications. Therefore, this Procedural Order is issued to remind all employees to remain cognizant of this important aspect of police service and to improve telephone courtesy where appropriate.

The below listed guidelines are provided to assist employees in improving their telephone etiquette:

1. Answer promptly and pleasantly; identify your organizational element and give your name and rank (if law enforcement, otherwise, Miss, Mrs. or Mr.).
2. After answering the phone, your complete attention should be devoted to the conversation. The tone of your voice should never imply impatience or sarcasm; remember, the conversation may be boring to you but is of great importance to the person who is calling.
3. When answering calls for others, show courtesy but not curiosity. Ask the caller only what you need to know. If the person being called is unavailable at the moment, never say, "He's somewhere in the building" or "I don't know where he is." The caller may be told that the person called is not available at this time, and asked if there is a message to give him. You might say, "When Sergeant Jones returns, may I tell him who called?"
4. When your superior wishes to know to whom he will be speaking in advance of answering the telephone, it will be necessary to screen the calls properly. Never say... "Who is calling?" The challenge itself gives an impression of abruptness and discrimination. The proper phrase should be... "May I tell Sergeant Jones who is calling?" Do not ask the caller to identify himself unless there is a specific reason, i.e., the person being called is unavailable or out, etc.
5. If the person called is unavailable at the moment and the objective is to determine if someone else may be able to handle the call, the caller should be advised... "Sergeant Jones is in a meeting, may someone else help you?" or "May I have him call you?"

PROCEDURAL ORDER

SUBJECT: USE OF TELEPHONE CREDIT CARDS

Credit cards are issued to assist you in carrying out your official duties as a law enforcement officer. They are not to be used for personal business at any time.

All credit card calls will be entered in your daily log, with the time and person called.

The police radio should be used in most instances to deliver messages of a minor nature. Confidential information and lengthy messages should not be broadcast over the air. The telephone is obviously better, and prevents the message from being distorted. Do not request another agency or person to deliver a lengthy message or one of a confidential nature over the radio.

PROCEDURAL ORDER

SUBJECT: FLATHEAD RESERVATION POLICE DEPARTMENT MANUAL

The purpose of this order is to establish procedure for the use and maintenance of the Police Department Manual.

A Department Manual containing rules and regulations of the Flathead Reservation Police Department has been compiled and published in loose-leaf form.

Each member of the Department will receive a copy of the Manual in a looseleaf binder.

1. All General Orders and Procedural Orders will be added to the Manual as they are received by the member.
2. Other subject matter may be issued from time to time for inclusion. It will be clearly identified and shall be inserted.

Each member is responsible for keeping his or her Manual current.



END