

CHAPTER 1
LAW ENFORCEMENT ROLE AND AUTHORITY

DISCUSSION: This chapter relates to the basic role and authority of law enforcement agencies. Sub-topics include the development of policy concerning the law enforcement function, the limits of authority and the use of force.

1.1 LAW ENFORCEMENT AGENCY ROLE

1.1.1 Oath of Office

All sworn personnel, prior to assuming sworn status, shall be required to take an oath of office to enforce the law and uphold the Constitution of the United States and the State of Mississippi. The oath of office shall be administered by the Mayor of the City of Hattiesburg and shall become a permanent record maintained in the employee's personnel file.

1.1.2 Code of Ethics

All personnel shall be provided with a copy of the Code of Ethics as hereby adopted by the Hattiesburg Police Department. All personnel shall attend ethics training at least biennially. (C023009)

1.1.3 Mission Statement

The mission of the Hattiesburg Police Department is to continually strive to serve the public in the most effective, efficient and professional manner possible and to work cooperatively with the public to provide for a safe environment for all of our citizens

1.1.4 Goals and Objectives

A. Vision

1. Quality first, first quality in all that we do.
2. To serve the public, as nearly as we can, to its complete satisfaction.
3. To never be satisfied or content, constantly seeking to improve.
4. To be the best in our field.
5. To insist on the highest ethical standards.
6. To develop the highest level of pride and professionalism possible.
7. To respect everyone.

8. To do all in our power to pack the taxpayers dollar with value, quality and satisfaction.
- B. Department goals are those broad generalized directions and efforts that the organization would like to achieve in support of its overall mission.
- C. Objectives are the specific and measurable steps that may be taken to achieve a department goal.
- D. Annually, under the direction of the Chief of Police, each Bureau, Division, Section commander/Manager of the Hattiesburg police Department shall prepare organizational goals and objectives. These goal and objectives represent a formal statement of organization plans and direction as well as providing a standard by which to measure the success of the department.
- E. The department goals and objectives shall be available to all personnel.

1.2 LIMITS OF AUTHORITY

1.2.1 Legally Mandated Authority

All sworn officers of the City of Hattiesburg Police Department shall have the legally mandated authority to enforce the applicable laws of the United States of America as well as all laws and ordinances of the State of Mississippi and the City of Hattiesburg within the limits established by Constitutional authority.

1.2.2 Interview and Interrogation

There are two (2) general methods for gathering information: (1) Interview and (2) Interrogation. Interviewing is a method used to obtain information from voluntary persons. Interrogation is the process of obtaining information from uncooperative persons.

Interviews: have been described as a conversation with a purpose. For police, an interview is a conversation with any person who has knowledge of an incident under investigation. The mechanics of conducting an interview remain the same regardless for whether the person is a suspect, witness, victim or complainant.

- A. Initial Contact
 1. An officer should immediately identify him/herself and show credentials, if not in uniform.
 2. A person should be interviewed as soon as possible after an incident is reported.

3. It is imperative to obtain the names, addresses and phone numbers to insure that they can be located during any follow-up.
4. Interviewees should be separated to insure independent statements.
5. Consideration must be given to the physical and emotional condition of the person.

B. Interview procedures

1. Only one (1) officer should conduct the interview however, an officer with more expertise may, if the situation merits, take control of the interview.
2. Conduct the interview in a quiet area, if available, and maintain privacy to the greatest degree possible.
3. The interviewing officer should try to establish a cooperative relationship keeping in mind those factors that affect the ability of interviewee to provide a complete factual description such as:
 - a. Physical disability
 - b. Use of drugs and/or alcohol
 - c. Emotional condition
 - d. Prejudice or personal bias
 - e. Distance from the observance
 - f. Age
 - g. Education
 - i. Time of day
 - j. Lighting conditions
4. Encourage the person to give a full description of everything that occurred. Withhold direct questioning until after a complete account has been given. Then ask specific questions to clarify statements or fill in omissions.

C. Concluding the interview

1. Interviews should be ended in a courteous manner. This helps to insure future cooperation particularly if the interviewee may be needed to testify at a later date.
2. All pertinent data shall be included in the officer's official report. Information received regarding an existing or on-going investigation shall be passed onto the Detective Division. [If possible, directly to the investigator assigned to the case]

Interrogation: is a vital step in the process of criminal investigation and prosecution. On arrival and before any suspect is identified a police officer can legally ask any general questions as to what has occurred. Under his general police powers, an officer has the authority to stop suspicious persons and to conduct a "threshold inquiry" by asking a suspect's name, address and what he/she is doing. However, once these questions go beyond the "threshold inquiry", the police must warn the suspect that he/she is under no obligation to answer.

A. Rights of Suspects/witnesses

1. The basic restraint of police questioning has been the constitutional right against self incrimination as set forth in the:
 - a. Fifth Amendment which states that "no person shall be compelled in a criminal case to be a witness against himself." and
 - b. Sixth Amendment that provides for the right of assistance of counsel.
2. Court decisions have imposed strict limitations on police to question suspects.
 - a. Miranda vs. Arizona, 384 US 436 (1966) is a landmark United States Supreme Court Decision. Under these guidelines, the police cannot question any person who has been taken into custody or deprived of his freedom of action, until they have been informed of:
 - (1) Their right to remain silent,
 - (2) Anything they say can be used against them,
 - (3) They have the right to an attorney while being question and
 - (4) That an attorney will be provided if they cannot afford one. The suspect can stop the interrogation at any time by invoking the privilege of silence or requesting a lawyer.

- b. Orozco vs. Texas, 384 US 3244, (1960) provides guides as to defining "custody" as where the intention of the police is to arrest the suspect and not allow him to leave.
- c. Rhode Island vs. Innis, 466 US 291 (1980) where interrogation does not only express questioning, but has been defined as words or actions by the police which the officers should have known reasonably likely to elicit an incriminating response.

B. Procedures for Adults

The procedures that follow are directed toward providing all Police Officers with the principal legal guidelines that will make an interrogation and the information obtained, admissible when presented to the Court.

1. If there is any question as to whether Miranda applies; officers are instructed to read the Miranda warnings to the suspect or witness.
2. If an adult is taken into custody or deprived of his/her freedom, a police officer shall read the Miranda warning and wavier from the Adult Miranda Rights Form prior to any INTERROGATION.
3. The Miranda warnings and wavier shall be read from a Miranda Rights card as soon as possible in the case of an arrest in the "field". This applies to felony arrest in our jurisdiction or in cases where another jurisdiction made the actual arrest and is releasing the prisoner to us.
4. Miranda Warning Guidelines
 - a. Warnings shall be given in a clear, unhurried manner and not in a perfunctory fashion.
 - b. Subjects who do not speak English will be given the warnings in a language that they understand. Interpreters are available through the University of Southern Mississippi.
 - c. No questioning shall be conducted until the officer verifies that the warnings are understood.
5. Miranda warnings are aimed specifically at the "custodial interrogation". The question of "custody" is usually determined by the officer's intent to arrest and the person's subjective belief of his ability to walk away from the situation. Again, the officer must keep in mind the circumstances surrounding the incident.

6. Officers may take and note any voluntary statements offered by a subject. When persons voluntarily make statements, officers are under no obligation to prevent them from continuing to talk and advise them of Miranda warning. Voluntary statements may be taken after a suspect is in custody and before, during or after actual interrogation so long as the statements are clearly voluntary.
7. Wavier of rights must be made knowingly and voluntary. The following shall act as a guideline concerning the waiving of rights.
 - a. Wavier cannot be inferred from silence. Reasonable verbal acknowledgement of understanding and a willingness to speak is acceptable.
 - b. A written waiver may be taken, although this is not legally required, will be useful if the subject is literate. A verbal wavier is always required and if possible witnessed.
 - c. A statement may be taken if the subject verbally waives his rights, but refuses to sign the wavier form.
 - d. A subject who request the aid or presence of an attorney shall not be questioned until counsel has been made available to him. Unless the subject initiates further communication or conversation with the police, a waiver of counsel must be explicit.
 - e. A subject may answer some questions and refuse to answer others. However, if the subject wishes to remain totally silent, the officer shall cease further questioning.
 - f. Where there is a significant time lapse between the waiver of rights and the interrogation, the Miranda warning must be repeated.
 - g. A subject must be competent to waive his rights. Competency is usually determined by age, mental condition, drug/alcohol intake or medical impairment.
 - h. No officer shall, in any way, attempt to improperly require a subject to relinquish or give up his Miranda rights. Physical abuse, brow beating, cajoling or otherwise pressuring a subject is strictly forbidden.

C. Procedures for Juveniles

The Hattiesburg Police Department handles juvenile cases that fall into two separate jurisdictions. However, their rights remain constant regardless of venue.

Juveniles inherit the basic rights of adults. This section deals with the areas of protection afforded to juveniles in addition to those of adults. To insure that the rights of juveniles that come in contact with Hattiesburg police are preserved, personnel are to adhere to the following guidelines:

1. When a juvenile is taken into custody, before any questioning, he/she shall be advised of the Miranda warning.
2. The child cannot be interrogated or interviewed while in detention or shelter facilities unless so ordered by the youth court judge or designee.
3. The child cannot be questioned about possible crimes unless his attorney or guardian ad litem is present or consents to the questioning.
4. While in custody the child cannot be locked in the same room or have any substantial contact with adults who are also in custody.

1.2.3 Search and Seizure

The Fourth Amendment of the U.S. Constitution provides as follows:

"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 be issued, but on probable cause, supported by oath or affirmation and particularly describing the place to be searched and the person or things to be seized."

A search should be conducted under the authority of a valid search warrant issued by the court. Under certain circumstances, it is necessary to conduct searches and make seizures without a search warrant. In the Mapp case [Mapp vs. Ohio, 367 US 643, (1961)], the court ruled any evidence illegally obtained, no matter how incriminating, was inadmissible in any court proceeding. The following procedures cannot possibly cover every situation that a Police Officer may face, but they will provide basic guidelines that are legal and practical in the sensitive area of searches and seizures.

A. Searches/Seizures pursuant to a Search Warrant

1. Searches and seizures made under the authority of a valid search warrant are always preferred.
2. A search warrant is an order in writing, in the name of the state, signed and issued by a duly authorized person.
3. An officer who wishes to obtain a warrant must appear before a court official authorized to issue the warrant and to provide the facts, information and circumstances upon which he relies to establish probable

cause. Any Justice, Associate Justice or Special Justice of the Municipal, District or Superior Courts can issue a warrant [MS Code 99-21-3].

4. The warrant application must contain a written affidavit which may be supplemented by testimony under oath before the judge that will issue the warrant.
5. For guidance and/or specific procedures for drawing and executing a search warrant, officers can refer to MS Code 99-27-19 or the 1985 Attorney Generals Law Enforcement Manual, Chapter VII.

B. Probable Cause

1. Probable cause has been discussed in a variety of Mississippi Supreme Court cases. A probable cause determination involves a common sense analysis of the facts of any given case. It requires that the facts available to the officer would warrant a man of reasonable caution in the belief that certain items may be contraband, stolen property or useful as evidence of a crime. It does not demand any showing that such a belief be correct or more likely true than false. [Breckenridge vs. State 472 SO.2d. 373] In the context of a search warrant, "probable cause" means reasonable grounds to believe:
 - a. That the objects sought exist.
 - b. That the objects sought are where they are stated to be located.
 - c. That the objects have a connection, as to be evidence, with the commission of a crime.
2. If the officer relies on information from an informant the following must be stated:
 - a. The facts and circumstances from which the informant can prove his conclusions.
 - b. The facts and circumstances from which the officer concluded that the information was credible. The credibility of the informant and the reliability of his information must be established [Aguilar vs. Texas, 378 US 108 (1964) and Spinelli vs. US, 393 Us 410 (1969)].
 - c. Guidelines to assist in establishing reliability of an informant include, but are not limited to:
 - (1) Was he a victim of a crime?

- (2) Was he a witness to the crime?
 - (3) Was he a participant in the criminal activity?
 - (4) Was the information provided consistent with other information in the possession of the police?
 - (5) Has the informant provided reliable information in the past?
- d. The officer should put as much information in the affidavit as possible. Judges and magistrates now apply a "totality of circumstances" approach in determining if there is sufficient probable cause for issuance of the search warrant. [Illinois vs. Gates (33 Cr1 3109)] The "totality of the circumstances" standard was expressly adopted by the Mississippi Supreme Court. (McCommon vs. State 467 SO.2d. 990)

C. Execution of the Search Warrant

After a search warrant is obtained, the following procedures will govern its execution:

1. Check the warrant to insure that it clearly describes the place to be searched and the articles to be seized.
2. Execute the warrant within a reasonable time.
3. Check to make certain the premises are in fact those described in the warrant.
4. Police Officers should identify themselves and announce that they have a warrant to search the premises. Upon entering show a copy [not the original] to the person(s) lawfully on the premises unless circumstances are such that this is not practical.
5. Officers should seek entry as peacefully as possible, but forcible entry is authorized if it becomes apparent:
 - a. That the officers will not be admitted momentarily.
 - b. The officers or any other person is in danger of physical harm.
 - c. The occupants are escaping.

- d. The evidence is being or is in danger of being destroyed.
- 6. If possible search warrants should be executed in the day-time unless conditions merit a night-time execution. Night-time activity must be reasonable and not for the purpose of harassment.
- 7. Unannounced "no knock" entry is authorized if specifically requested with the warrant. The officer must be in possession of reliable information that:
 - a. The safety of the officer(s) or others would be endangered,
 - b. Wanted person(s) would likely escape or
 - c. Evidence would be destroyed during the period between the announcement of purpose and subsequent entry.
- 8. Upon gaining entrance to a residence where unannounced entry is authorized the officers shall:
 - a. Identify themselves as Police Officers.
 - b. Take steps to make sure that those officers executing the warrant are clearly identifiable.
 - c. Take measures and precautions to make the environment surrounding the execution of the warrant as safe as possible for the officers as well as others.

D. Officer Responsibilities

- 1. Must not exceed the authority granted by the warrant.
- 2. Must make a diligent effort to find all the property listed in the warrant.
- 3. Must not search beyond the area described in the warrant.
- 4. Must search only those areas capable of containing the property listed in the warrant.
- 5. Must carry out the search with the least possible damage to the premises.
- 6. If the occupants are present the officers may remain on the premises only for the time reasonably necessary to thoroughly search for and seize the property.

7. If the occupants are not present the officer(s) must insure that the premises is secure before leaving.
8. Must immediately and directly transport all seized property and insure that it is properly marked, recorded IAW department procedures for care, handling and security of evidence.
9. Will prepare a receipt for all articles seized. The receipt may be the inventory of all property seized and given to the lawful occupant or to the person if taken from an individual.
10. A copy of the warrant shall be provided with the receipt.
11. An inventory shall be made of all property seized under authority of the warrant and will consist of:
 - a. A listing of all seized property.
 - b. The Officer making the seizure
 - c. The location of the seized item.
12. Prepare the return of the search warrant as follows:
 - a. Sign and swear its truth before a Judge or Magistrate,
 - b. Returned to the proper Court, which is determined by the Judge who issued the warrant?
 - c. The return shall be made not later than seven (7) days from the date of issuance of the warrant.
13. Immediately following the search, a report shall be made concerning the entire incident.
14. A search warrant shall NEVER be executed by any member of the Hattiesburg Police Department without the knowledge and approval of the unit or division supervisor of the unit performing the execution of the warrant. If that supervisor is unavailable or not on duty then the shift supervisor of the Patrol Division or highest ranking officer on duty must be informed prior to execution of the warrant.

E. Warrantless Searches

1. Although search and seizure based on warrant are clearly preferred, an officer may conduct a search and make a seizure under certain conditions even though a warrant has not been obtained.
2. A Police Officer may search a person "incident to arrest" under the following conditions:
 - a. The arrest is lawful and the search is reasonably related to the circumstances of the arrest.
 - b. The search is conducted for the purposes of seizing fruits, instrumentalities, contraband and/or other evidence of the crime for which the arrest was made in order to prevent its destruction or concealment. To remove any weapons or dangerous instrumentalities that the arrested person might use to resist arrest or affect his escape. [Chimel vs. California, 395 US 752 (1969)]
 - c. The search is limited in scope to the person of the suspect and the immediate surrounding area from which he/she can obtain a weapon or destroy evidence.
 - d. A search may also be made of articles actually in possession of the arrested person if the search is related to the offense incident to arrest.
3. Consent to a search without a warrant may be given orally or written. The following conditions are to be satisfied:
 - a. Consent cannot be presumed from silence.
 - b. Consent must be given freely, knowingly, voluntarily, free of coercion, intimidation or threat. [McGray VB State 486 So.2d. 1247J
 - c. Consent must be given by a person who has immediate right of possession and control of the premises. If there is any doubt an officer should obtain a warrant.
 - d. Consent is to be free of misrepresentation or fraud.
 - e. Consent is to be obtained prior to search.
 - f. Such consent may be revoked at anytime and search will cease upon revocation. [Any evidence found prior to revocation may be used in any legal endeavor by the police.]

4. An officer may conduct a search without a warrant when he is faced with an emergency situation where delay would endanger him or others or result in immediate removal or destruction of evidence. This is an emergency rule and as such only applies in exigent/exceptional circumstances. These circumstances must present a "compelling need for immediate official action and a risk that the delay inherent in obtaining a warrant will present substantial threat if imminent danger to life of public safety".
5. Searches of motor vehicles should be conducted under these guidelines:
 - a. Practical considerations often dictate that a search of a motor vehicle be conducted without a warrant because a moveable vehicle creates the possibility that it might be transported before the issuance of a warrant. A warrantless search is authorized when:
 - (1) There is probable cause to believe that there is seizable evidence in the vehicle.
 - (2) That such evidence may be destroyed or concealed.
 - (3) The vehicle is moving or is capable of being moved out of jurisdiction.
 - b. Under the "Automobile Exception", if probable cause exists to believe that a motor vehicle contains contraband somewhere in the vehicle, but not in any particular place; the entire vehicle, including closed containers found in the vehicle, may be searched without a warrant. Containers searched must be able to contain the item sought. [U.S. vs. Ross (1987)]
 - c. An investigation focused on a particular container that just happens to be in a vehicle will require a warrant.
 - d. If the lawful search of a vehicle is conducted without a warrant, anything of evidentiary value is admissible whether or not it is related to the arrest.
6. Inventory searches consist of searches of the person, effects and where applicable the persons vehicle.
 - a. The justification for such routine searches is the legitimate interest in protecting the confinement area and the arrestee, in facilitating the administrative handling of personal belongings during incarceration. [Wright vs. State 302 SO.2d. 408J

- b. Limited inventory searches are still permissible however; they are limited to obtain identification or to reduce the threat of injury to persons. [Norman vs. State 302 SO.2d. 254J
 - c. Objects in the possession of the individual taken into custody may pose a threat of injury to persons even if the object is taken into police custody. Protection of yourself and others is a valid reason for such search. [Sanders vs. State 403 SO.2d. 1288)
 - d. A lawful inventory search of a motor vehicle may be conducted without a warrant when the vehicle is lawfully impounded by the police. [South Dakota vs. Opperman 428 US 364 (1976) and US vs. Abbott (1984)) This search must be non-investigatory, designed to protect the interest of the property owner, the police and society.
 - e. If probable cause develops during the inventory search, the search shall cease and the officer shall apply for a search warrant.
7. Plain view seizures may be allowed in certain limited circumstances. Whenever an officer, in good faith, enters private premises in the official performance of his duties, he is not a trespasser. Anything that he observes in plain view that is subject to seizure may be seized without a warrant.
- a. The initial intrusion which afforded the view must have been lawful.
 - b. Discovery of the evidence must have been inadvertent.
 - c. The incriminating nature of the evidence must have been immediately apparent.

8. Stop and Frisk

In the case of [Terry vs. Ohio, 362 US 1, (1968)], the United States Supreme Court stated that when a Police Officer "observes unusual conduct which leads him reasonably to conclude in light of his experience that criminal activity may be afoot and that the person with whom he is dealing may be armed and presently dangerous, ... ", is justified in conducting a limited search for weapons.

- a. Probable cause is not required to justify a brief "threshold inquiry" or detention. However, Police Officers who do not have probable cause for an arrest cannot take a person involuntarily into custody for the purpose of interrogation.

- b. An officer must be able to point to specific and definite facts which reasonably warrant the stop. While field situations will cover a wide range of circumstances, the following factors may be considered in determining the reasonableness of the inquiry.
 - (1) Personal observations
 - (2) Training and experience
 - (3) Knowledge of criminal activity in the area
 - (4) Time and place
 - (5) General appearance and demeanor of the person
 - (6) Proximity to the scene of a crime
 - (7) Knowledge of prior record of individual or companions
 - (8) Objects in subject's possession
 - (9) Resemblance to a known wanted person
 - (10) Information received from a reliable source
- c. An officer should question only briefly so that the stop cannot be construed as an arrest which would require probable cause. Sufficient time may be taken to make radio or telephone inquiry to verify the subject's identity or the reliability of his/her story.
- d. Facts which become apparent during the "threshold inquiry" may become probable cause for arrest.
- e. A valid frisk may produce evidence which can amount to probable cause for an arrest.
- f. The courts have taken a strict view on evidence seized under "stop and frisk" or "plain feel". To insure admissibility officers should make sure of the following:
 - (1) The incriminating nature of evidence must be immediately apparent.
 - (2) The officers must be able to articulate in detail the specific nature and basis for their perceptions.

1. 2.4 Arrest

An arrest is defined as the taking of a person into custody in order that he may be forthcoming to answer for the commission of a crime (MS Code 99-3-1). The test for determining the moment of arrest is whether, under all the circumstances, a reasonable person would believe that he is not free to leave. [Bayse vs. State, 420 SO.2d. 1050 (1982)] To make an arrest an officer must have (1) lawful authority and (2) probable cause. All Constitutional and Statutory Rights must be afforded to all arrested persons at the time of arrest and all points of contact thereafter by the Hattiesburg Police Department.

A. Arrest with a Warrant

1. Whenever possible an arrest should be made with a valid warrant. [Wong Sun vs. U.S., 371 US 471]
2. An arrest warrant is a process, issued in the name of a legal authority and directed to officers authorized to serve criminal process, commanding them to take an individual into custody. [MS Code 99-3-19]
3. Probable cause to believe that crime has been committed and that the person sought for arrest committed it must exist before issuance of a warrant.
4. The substance of the charge shall appear in the warrant itself or in an attached complaint.
5. The complaint and warrant must be completed and signed by the proper authority.
6. "John Doe" warrants, without any descriptors, are illegal and void.
7. Service of the arrest warrant should be made promptly to prevent possible dismissal of the complaint and warrant.
8. An arrest with a warrant may be made at anytime and anyplace throughout the State [MS Code 99-3-19]. If the arrest is to take place outside our jurisdiction local authorities shall be notified and requested to affect the warrant and arrest.
9. An officer may not enter a third party home to make an arrest with a warrant, even if the officer has probable cause to believe the suspect is there unless:
 - a. The resident gives the officers consent to enter the residence.

- b. The officer has a search warrant to search the premises for the suspect.
 - c. Exigent circumstances preclude the officer from obtaining a search warrant. [Stegald vs. US, 451 US 204 (1981)]
10. An officer may enter a suspect's home and arrest him without a search warrant, provided there is probable cause to believe he is there and a valid arrest warrant exist for him. [Payton vs. N.Y. 455 US 573, 602-03]
11. If a warrant is in existence, possession is not necessary at the time of arrest. [Ms Code 99-3-7]

B. Arrest without a Warrant

1. Under specific circumstances probable cause requires more than mere suspicion, although it does not require evidence which would justify a conviction. A warrant is required unless one (1) of the below situations exist under MS Code 99-3-7:
- a. The arresting officer must have probable cause to believe that the person arrested has committed a felony.
 - b. The arresting officer has probable cause to believe that a misdemeanor or violation has been committed in his presence.
2. Each officer should be aware of the circumstances and information which has been used to establish probable cause:
- a. Direct observation of the Police Officer.
 - b. Knowledge of prior criminal history or reputation.
 - c. Flight.
 - d. Evasive answers and/or conflicting stories.
 - e. Reliable hearsay information developed from statements from victims, witnesses, police Officers or informants of established reliability.

C. Arrest on a Warrant for Other Jurisdictions

1. A valid arrest warrant issued from any jurisdiction within the State of Mississippi may be effected regardless of alleged charge.

2. Whenever possible, a copy of the complaint and warrant should be obtained prior to serving the warrant. In any case a Hattiesburg Police Officer will not effect such an arrest without verification of the existence of the warrant. The following are considered acceptable means of verification:
 - a. Teletype from the originating agency.
 - b. Verbal confirmation through communication centers.
 - c. Verbal verification by telephone with originating agency.
 - d. Photocopy or facsimile of warrant.
 - e. A warrant and/or incident number must be provided and included in any report.
3. If charged with a misdemeanor or violation;
 - a. Prior to arrest it must be confirmed that the originating agency will take custody.
 - b. Arrangements shall be made for the transfer of custody to the originating agency.
 - c. A detailed report shall be made of the incident unless the suspect is being detained for immediate transferred to a neighboring jurisdiction.
4. If charged with a felony;
 - a. The officer shall notify his/her supervisor once aware of the possibility of the outstanding felony warrant.
 - b. The supervisor shall;
 - (1) Verify the existence of such warrant(s), preferably by computer, teletype or fax, and
 - (2) Obtain information such as incident, warrant or control numbers.
 - (3) Ascertain and make arrangements for extradition by the originating agency.

- c. The officer will detain the person for a reasonable time pending verification.
- d. A detailed report shall be made of the incident.

D. Arrest in General

1. Anytime that a Hattiesburg Police Officer effects an arrest he/she is to complete a report.
2. An arrest should never be made to show authority or to vent personal feelings.
3. Unnecessary conversation should be avoided and orders/directions should be clear and brief.
4. Arresting officers must identify themselves as Police Officers.
5. An Officer must advise the violator the reason for the arrest.
6. Arresting officers should not act in a careless or routine manner, taking necessary steps to insure the safety of themselves and others. These steps include but are not limited to:
 - a. Obtaining or waiting for assistance when necessary.
This is advisable when:
 - (1) There is more than one (1) person to be arrested.
 - (2) A dangerous crime is involved.
 - (3) Past information or experience has shown a need for assistance.
 - b. Making a search of the suspect(s) and area within the immediate reach and control of the person(s) arrested and removing any instruments capable of inflicting serious bodily injury or death.
 - c. Maintain control of the suspect(s) keeping them in a secure environment.
7. When officers arrest occupants, they must assume a reasonable responsibility for securing the premise. In most cases, this requires nothing more than locking the doors or using whatever method that the occupant normally uses for security.

8. Alternative or additional security measures may be needed in the event of forced entry.
 9. Officers should be mindful of other occupants in a dwelling after the arrest and make determinations as to whether they should remain. This is based on their relationship to the arrestee, vested interest in the property, permission granted by the arrestee and the arrestee's association to the property.
- E. Arrest of Probationer or Parolee
1. If an individual who is arrested is on probation or parole for an earlier offense, a probation or parole officer from the Department of Corrections should be notified so that he can initiate proceedings to detain the individual consistent with MS Code 99-19-29.
 2. A parole officer can take custody of an individual on parole immediately after an arraignment.
- F. Arrest/Detention of US Armed Forces Deserters/AWOL
1. Any civil officer having authority to apprehend offenders under the laws of the United States, a State, Territory, Commonwealth, Possession, or District of Columbia may apprehend a deserter for the Armed Forces and deliver him into the custody of those forces. [Chapter 47 of Title 10, Section 808, Article 8 US Code]
 2. The Interstate Agreement of Detainee Act provides the authority to detain deserters until the establishment of military control.
 3. No bail is authorized for military desertion. [Public Law 91-538]
 4. There are two (2) primary classifications of a person who is missing from his military assignment.
 - a. Absent without leave [AWOL] is assigned by the military for the first thirty (30) days of an unauthorized absence.
 - b. Deserter status is assigned on the thirty-first (31) day of absence. An entry is made on NCIC from information provided on DD form 553 Absentee Wanted by the Armed Forces, form provided by the command of the deserter)
 5. The name, rank and phone number shall be obtained of any person providing information or verification of the AWOL or Deserter status on an individual.

6. No arrest will be made unless the officer has established and verified the status of the suspect and that arrangements have been made with the proper military authority for transfer.
7. No employee is authorized to accept any reward or payment for an apprehension or delivery of an absentee or deserter.
8. To verify an individual's deserter status call the Deserter Information Point [DIP] at the following locations:

*Before making an inquiry the officer should have the suspect's name, rank, date of birth and social security number. Each of the services has a separate DIP point to assist in the location and apprehension of deserters by civil law enforcement agencies.

United States Air Force
Manpower Personnel Center
Randolph AFB, Texas 78148
1-512-625-5118

Or

Pease Air Force Base\
Law Enforcement Section
430-2747 or 2748
Main number 430-0100

United States Army
United States Army Deserter Information Point (USA DIP)
Fort Benjamin Harrison, Indiana 46249
1-317-542-3711 or 3713
NCIC ORI: INUSA0202

United States Coast Guard
Washington, DC
1-202-426-1830

United States Navy
Naval Military Personnel Command (NMPC-843)
Washington, DC 20370
1-800-336-4974
1-703-614-2551 through 2554
NCIC ORI: USN000000

United States Marine Corps

Commandant, Us Marine Corps
Code NPH-57, Washington, DC 20380
1-703-640-3976 or 3977
NCIC ORI: USM000000

G. Diplomatic Immunity

1. Diplomatic Immunity is granted by the United States Government under provisions of the Vienna Convention of Diplomatic Relations. Generally, these provisions apply to two (2) classes of Immunity.
 - a. Diplomats and members of their families enjoy full immunity.
 - b. Employees of diplomatic missions and members of their families enjoy immunity with respect to acts performed in the course of their official duties.
2. If a diplomat or Consular Officer is stopped while under the influence of alcohol or drugs, a law enforcement officer has the following options.
 - a. Take the individual to the station or to a location where they can recover.
 - b. Take them to a telephone so they can phone for assistance.
 - c. Arrange for a taxi or other ride.
3. The officer is under no obligation to allow a person with diplomatic immunity to present a clear and present danger to him or others.
4. Unless a Diplomat is considered a serious danger to him or to others, he should not be physically restrained or subjected to a sobriety test.
5. All serious incidents involving diplomatic and Consular Officers and their families shall be reported to the United States Office of Protocol.
6. Any serious incident or violation of the law involving a diplomat or his family shall be documented with an incident report.
7. Should there be any doubt as to the proper action(s), officers can consult the information booklet from the Bureau of Consular Affairs in the muster room or Dispatch. Bureau of Consular Affairs can be reached at 202-647-4415 or after hours at 202-647-1512. (C023009)

H. Involuntary Emergency Hospitalization

1. The determination of whether or not a person is eligible for an IEH is whether the person is in such a mental condition as a result of mental illness as to pose a strong likelihood of harm to him/herself or others. It must be shown in court that:
 - a. Within the past forty (40) days the individual has inflicted or attempted to inflict serious bodily harm on another.
 - b. Within the past forty (40) days the individual attempted suicide or serious self injury and there is a strong possibility that these attempted acts will occur again if hospitalization is not ordered.
 - c. The individual's behavior demonstrates that the individual so lacks the capacity to care for his/her own welfare that death, serious bodily injury or serious debilitation would ensue if immediate hospitalization is not ordered.
2. Mental illness means a substantial impairment of the emotional process, the ability to exercise conscious control of one's actions, the ability to perceive reality or reason, or the impairment is manifested by instances of extremely abnormal behavior or extremely faulty perception. It does not include any impairment caused by:
 - a. Epilepsy
 - b. Mental Retardation
 - c. Continuous intoxication caused by alcohol or drugs.
 - d. Dependence upon or addiction to any substance such as alcohol or drugs.
3. Initial step for a Police Officer involved with an IEH will be:
 - a. Initial and immediate on scene evaluation of the person.
 - b. Persuade the person to go for a voluntary medical examination.
 - c. May request assistance of local Emergency Medical Services.
 - d. May request assistance from pine Belt Mental Health.
4. Every attempt should be made to persuade the individual for voluntary medical treatment.

- a. It is recommended that voluntary admissions be made through a family physician or health care facility.
 - b. The responsibility of the police concludes once the individual is in care of health care officials.
5. Because of the particulars of the system which was designed for use by the medical and mental health care officials, the police role is one of support and assistance. The following is offered as information to help the Police Officer to understand the process.
- a. The first step for the involuntary commitment of a person with mental problems is the completion of a petition.
 - b. The petitioner is the person seeking the IEH. It is preferred that a physician or staff member of Pine Belt Mental Health, but could be any person.
 - c. While police Officers are not excluded from signing and acting as petitioner by statute, Officers shall request the medical or mental health professional to sign as petitioner. Pine Belt Mental Health has agreed to comply with this request.
 - d. The second step for the IEH is the completion of the certificate by a physician.
 - e. When both of the above documents are completed and signed, they complete a valid basis for law enforcement officers to take custody of an individual and deliver him/her to the Forrest County Annex.
 - f. The Forrest County Sheriff's Office has the responsibility for transporting IEH patients to the State Hospital.
 - g. If a person refuses to consent to an examination, the petitioner may sign a compliant which sets forth in detail the acts or admissions of the person to be hospitalized. The complaint must be sworn before a magistrate or judge who shall determine if the mental exam is necessary. If an exam is ordered any law enforcement officer may take custody of the person and deliver him/her to the place specified in the court order.
 - h. Every person who is subject to an IEH must have a hearing in District Court within three (3) days of detention. This hearing is usually held in Chancery Court. The purpose of this hearing is to determine if there is probable cause to involuntarily hospitalize the individual. The Officer involved may be called to testify.

- i. A copy of all forms completed by members of this department shall be attached to the investigating officer's report.

I. Arrest of Juvenile Offenders

1. Generally, a juvenile is any person who is seventeen (17) years of age or younger. Felony crimes committed by a person seventeen (17) years old or thirteen (13) to seventeen (17) years old where a firearm or other deadly weapon (as defined by MS Code Title 97) is used in the commission of the crime are handled as adults. Crimes committed by juveniles will be prosecuted by the designated Youth Court authority, determined by venue. Traffic violations are handled by the municipal court with some exceptions for drug and alcohol related offenses.
2. Arrested juveniles shall be transported to the Police Station immediately unless emergency medical treatment or other valid reasons require otherwise.
3. The arresting officer shall attempt to notify the juvenile's parent or guardian of the arrest as soon as possible.
4. The arresting officer will follow the standing policy of the County Youth Court which will handle the case.
5. The County Youth Court Intake Officer will be notified and his/her recommendations will be followed regarding the juvenile.

J. Release of Juveniles

1. Any officer taking a minor into custody pursuant to MS Code 43-21-301 (arrest) may release the minor to a parent, guardian, or custodian after coordination has been made with County Youth Court.
2. If a parent, guardian or custodian is not available, the court may release the minor under the supervision of a relative or a friend or place the minor in a Crisis Home, Shelter Care Facility or a Group Home.

K. Detention of Juveniles

1. If an Officer believes that the detention of a minor is warranted he/she shall contact the County Youth Court and obtain an order.
2. The officer shall arrange for transportation to the facility designated by the Youth Court.

3. A minor will not be held in custody longer than two (2) hours without authorization from Youth Court.
4. The Youth Court shall be the authority in determining the detention, placement or release of any minor.

* For more information concerning juveniles refer to chapter 44, 71, 72 or the Guide to Mississippi Youth Court.

1.2.5 Alternative to Arrest

Police officers may use discretion in choosing alternatives in an arrest. Unless manual guidelines or legal requirements state different, the officer may replace arrest with a citation, summons, warning, informal resolution or post arrest release. (See chapter 101 for information on Release and Bail Procedures)

1.2.6 Discretion

- A. No code of conduct could possibly cover all circumstances in which Police Officers must make instantaneous and irrevocable decisions or other critical judgments. These decisions affect human life and safety, property rights and personal liberty. The use of discretion by police personnel involves the power to exercise judgment in the selection of a course of action from available alternatives.
- B. The use of discretion of Police Officers is made necessary by ambiguous or obsolete laws, the effects of actions on police community relations, the legitimate interest of justice and fairness and the complexity and variety of the situations that Police Officers encounter. Such situations make the use of set standard response impractical and undesirable in many cases.
- C. Although it is impossible to outline the precise parameters of discretion for every type of police activity, generally speaking, it is desired that employees exercise discretion in a manner that is consistent with:
 1. Philosophy and goals of the Department.
 2. Pertinent laws and court decisions.
 3. Direction, supervision and orders received from superiors.
 4. Rules, regulations and general orders.
 5. The sense of justice and fairness that would be expected by the ordinary, reasonable and prudent member of the community.

6. All applicable constitutional requirements including interview, interrogation and access to counsel.
7. All the rights and privileges that are afforded by the Constitution of the United States of America and the State of Mississippi.

1.2.9 Biased Based Profiling (N120103)

- A. Profiling, in itself, has been a valuable tool to assist Law Enforcement in the resolution of criminal cases. Biased based profiling however, will not be tolerated by the Hattiesburg Police Department. Biased based profiling is the selection of individuals based solely on a common trait of a group. Examples would include race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group or other identifiable groups.
- B. The Hattiesburg Police Department will not tolerate biased based profiling in field contacts, traffic stops, search issues, seizure forfeiture efforts or any activity conducted by the department or its members.
- C. All officers will receive training annually in biased based profiling issues to include legal aspects.
- D. Should biased based profiling occur, it will be handled as a violation of policy. Corrective measures may take the form of training, counseling, reprimand or punitive action to include termination, if warranted.
- E. An annual administrative review of agency practices will be used to determine if changes are needed in policy, training or tactics using information from:
 1. Field activity data - Crime Analysis
 2. Complaint information - Internal Affairs.
 3. Citizen concerns - Community Relations.
- F. Officers may take into account the reported race, ethnicity or national origin of a specific suspect or suspects in the same way they would use specific information regarding age, height, weight, etc. about specific suspects.
- G. It is the responsibility of the supervisors to monitor the activities of their personnel and to identify potential biased based profiling issues. Supervisors will be alert to potential patterns and practices of their personnel that may indicate biased based profiling and treatment of individuals.
- H. This directive does not preclude officers from stopping persons because of age when investigating curfew or truancy violations.

- I. Complaints shall be accepted from any person who believes that they have been stopped or searched based on bias profiling. No person shall be intimidated or coerced from filing such complaint or discriminated against because they have filed such complaint. Complaints shall be received and investigated as outlined in Chapter 52 Internal Affairs.

1.3 USE OF FORCE

1.3.1 Use of Force Continuum

The department recognizes and respects the value and special integrity of each human life. In vesting Police Officers with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required. Therefore, it is the policy of this department that Police Officers shall use only that force, deadly or non-deadly, that appears reasonably necessary to effectively bring an incident under control, while protecting the life of the officer or another.

Physical Force: As related to arrest or confrontation; that force that is required to overcome resistance offered by a subject. It is not considered Physical Force when using handcuffing, escorting or other techniques on a cooperative person during the course of II normal II law enforcement actions. The display or threat of force (drawing a weapon) does not constitute “using” force. To use force, the mechanism for injury/force must be put into motion. (i.e. swinging a baton)

Deadly Force: The degree of force that may result in the death of a person against whom the force was applied, force likely or intended to cause death, or great bodily harm.

A. Officer Presence

1. Often the presence of one (1) or more Officers will be enough to quell a potential or actual disturbance. A display of more than one officer may prevent a situation from escalating to the point where the use of physical force is necessary.
2. When confronted with a situation that may require the use of physical force, consideration should be given to requesting additional police assistance to prevent a situation from escalating.

B. Verbal Direction

1. The most desirable method of achieving compliance with the subject is through the use of simple instruction and directions. An attempt to control the subject through advice, persuasion and warnings should be used in appropriate situations prior to the application of force.

2. The above should not be construed to suggest that an officer should risk loss of control of a situation, thus endangering the safety of him or others through the application of verbal direction in situations where physical force is the proper choice.

C. Chemical Agents

1. The use of chemical agents is intended solely as a control device to enable officers to carry out his/her duties in the safest, most efficient and professional manner; with the least chance of injury or harm to either the officer or suspect(s).
2. Chemical agent shall be carried in an appropriate pouch and never displayed or pointed at another individual in the form of intimidation or horseplay.
3. An officer may present or brandish the chemical agent to prevent further escalation of force. The chemical agent should be used before an officer attempts to use any empty hand striking technique or impact weapon if the utilization does not put the officer at risk of physical injury.
4. Multiple applications do not increase the effect of the chemical agent and are discouraged except where the repeated application would be considered a separate incident.
5. It may be necessary to use the chemical agent on a prisoner who has been handcuffed and/or placed in a police vehicle due to an attempt to harm himself, attack the officer or damage property. If possible a verbal warning and intention should be given prior to use of the chemical agent.
6. Chemical agent can be used as an extraction device to reduce the chance of property damage or bodily harm to suspect and/or officer.
7. When an officer books a subject who has been exposed to chemical agents, the officer will advise the jail personnel to prevent the unnecessary contamination of other jail occupants of custody personnel.
8. Replacement of chemical agents will be as follows:
 - a. Before the liquid in the canister is completely exhausted.
 - b. If any part of the canister or the canister itself becomes damaged.

D. Empty Hand Control

1. Frequently, subjects are reluctant to be taken into police custody and offer some degree of physical resistance. Normally, all that is required to overcome this type of resistance is the application of a greater physical force and skill to control the subject.
2. Good judgment is extremely important in deciding tactics to use and how much force to apply.
3. Lateral Vascular Neck Restraint and other similar neck or choke holds are prohibited.

E. Intermediate Weapons

1. The ASP 21" expandable baton shall be the primary intermediate weapon of the Hattiesburg Police Department.
2. When carried the baton shall be kept holstered unless the situation indicates that the use of the baton is imminent.
3. Only those techniques taught by the Hattiesburg Police Department shall be authorized for use by its members.
4. Strikes to the head, throat, shoulders and chest are prohibited except in situations where deadly force would be authorized.
5. Flashlights are authorized as a defensive weapon in cases where no other adequate weapon is available.

F. Use of Deadly Force

1. The use of deadly force is the last option within the force continuum. The use of deadly force shall be authorized as per AOM 1.3.2.
2. The circumstances and laws which authorize and justify the use of deadly force do not create an obligation to use it and it is neither possible nor desirable to draw absolute rules to fit every situation and contingency.

1.3.2 Deadly Force

- A. Members shall adhere to department policies, procedures and applicable provisions of State Law when resorting to the use of deadly force by any means. (MS Code 97-3-15)
- B. Police Officers are authorized to use deadly force:

1. When the officer reasonably believes that the action is in defense of human life, including the officers own life, or in defense of any person in immediate danger of serious physical injury.
 2. Reasonable belief is defined as: When facts or circumstances the officer knows are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.
 3. Serious physical injury is defined as: A bodily injury that creates a substantial risk of death, causes serious permanent disfigurement; or results in long term loss or impairment of the function of any bodily member or organ.
 4. Fleeing felons shall not be presumed to pose an immediate threat to life unless circumstances demonstrate an immediate threat to or wanton disregard for human life.
- C. Where feasible, before using deadly force Police Officers shall identify themselves and state their intentions.

1.3.3 Warning Shots

The department recognizes that warning shots pose a danger to both officers and citizens alike; therefore warning shots are prohibited.

1.3.4 Use of Nonlethal Weapons

- A. Where deadly force is not authorized, officers should assess the incident in order to determine which non-deadly techniques or weapons will best de-escalate the incident and bring the situation under control.
- B. Police Officers are authorized to use department approved non-deadly force techniques and issued equipment for the resolution of incidents, as follows:
 1. To protect themselves or others from physical harm;
 2. To restrain or subdue a resistant individual;
 3. To bring an unlawful situation safely and effectively under control.
- C. A Police Officer is not permitted to use a non-deadly weapon unless qualified in its proficient use as determined by training procedures. Current documentation of annual training shall be placed in the officer's training file.
- D. The following non-deadly weapons are authorized:

1. ASP Expandable Baton
2. Chemical Agent
3. Flashlight

1.3.5 Medical Aid

- A. Medical Aid shall be offered to any individual that has caused a Police Officer to use force to resolve the incident.
- B. A Police Officer shall only provide aid equal to his level of medical training until relieved by the appropriate medical service or an individual with a higher level of expertise.
- C. The amount of aid is dependent on the totality of the incident and the extent of the injury.
- D. In the event that the chemical agent is used to control a subject; that subject shall remain under observation until the effect of the chemical agent has dissipated to the point that the subject can function without assistance. If symptoms have not dissipated in a reasonable amount of time [approximately one (1) hour] or develop that are not normally associated with the chemical agent, with approval of a supervisor, the subject will be transported to a medical facility.

1.3.6 Reporting Use of Force

- A. Use of Force report will be initiated in addition to any incident report whenever an officer applies force through the use of physical force, lethal and/or nonlethal weapons. Any statement shall include the circumstances surrounding the injury or death that results from, or is alleged to have resulted from, actions by the officer. The Use of Force Report shall address use of physical force, use of lethal and nonlethal weapons or any other action resulting in injury or death as follows:
- B. Death, hospitalization or medical treatment of either the officer or suspect that occurs as a result of any arrest or confrontation.
- C. The striking (to include attempts) of a subject with hands, feet or impact weapon.
- D. The presence of blood, broken skin or visible bruises on the person of either the officer or subject, that occurs as a result of any arrest or confrontation.
- E. Any complaint of physical injury made by a subject occurring as a result of any arrest or confrontation.
- F. Discharge of a firearm except training or recreational purposes.

- G. Discharge of chemical agents, except in training or equipment failure.
- H. Any injuries or complaints of injuries to a subject which occurred prior to the officers' arrival, in a confrontation with non-Department personnel or were self-inflicted will be fully described in the narrative section of the incident report.
- I It will be the responsibility of each officer using force during a confrontation or arrest to file a Use of Force Report. Officers on the scene or otherwise in a position of observance shall be listed as "Other officers present."

1.3.7 Investigation and Review of Incident

- A. All reported uses of force will be reviewed by Internal Affairs to determine whether:
 - 1. Any laws were violated;
 - 2. Department rules, policy or procedures were violated.
 - 3. In addition, an analysis of the uses of force shall be included with the annual I.A. Report.
- B. Incidents involving uses of force will be reviewed annually by the Training Academy Staff to determine if:
 - 1. Department policy requires revision.
 - 2. Department training requires revision
- C. When an Officer uses force of any kind or degree in discharging his duties and responsibilities, he will promptly notify the immediate supervisor and request said supervisor's presence at the scene, jail, court, hospital, or other appropriate place. The supervisor will proceed, without delay, to the appropriate location and initiate an investigation of the incident involving the use of force and in conducting such investigation, will do the following:
 - 1. See that adequate medical attention is provided to all injured parties
 - 2. Secure written or recorded statements concerning the entire incident from the officer involved, other participating officers, the subject against whom force was used and witnesses.
 - 3. Insure that appropriate charges are brought against the defendant.

4. Complete a report of findings that shall include the relevant facts and circumstances surrounding the incident and a conclusion as to whether the action violates state law or if any department policy, training, equipment/weapon, or discipline issues should be addressed.
5. In the event of injury to either officer or suspect; photos will be taken of:
 - a. The parties involved
 - b. The injuries both apparent and suspected
 - c. The scene or other areas/items as necessitated by the investigation.
 - d. Photos will be converted to hard copy for inclusion in the investigative file.
6. Secure a copy of any report relating to medical condition for the investigative file. This can be "Official" medical records from a treating facility, prisoner injury report or even booking information.

D. Distribution

1. Use of force forms are to be routed IAW reporting manual or as specified on the form or packet.
2. The investigative file will be routed up through the chain of command to the Office of the Chief of Police within five (5) business days of the incident.

1.3.8 Removal of Personnel

- A. Any employee whose action(s) or use of force in an official capacity results in death or serious physical injury; shall be placed on administrative leave pending completion of all internal investigative requirements.
- B. Return to duty will be determined by the nature of the event, the investigation, department needs, the individuals needs and/or a mental health professional opinion that the person is ready to return to duty.

1.3.9 Specification of Weapons

- A. For safety and civil liability, police officers in the performance of their duty shall only carry weapons and ammunition inspected by and meeting agency approval.

- B. The official handgun of the Hattiesburg Police department is the Glock. The chosen caliber is .40. Only ammunition that is issued by the department may be carried in the clock.
- C. The official shotgun of the Hattiesburg Police Department is the Remington Model 870 and is available to officers who have qualified in the use of such weapon. The shotgun while on duty shall be loaded with department ammunition in any combination of non-magnum loz slug or 00 buckshot. At no time shall any ammunition remain chambered in the shotgun while stored in a police vehicle.
- D. Safe storage of firearms. (N023009)
1. Firearms in permanent or long term storage shall be stored unloaded in secure locations provided for such storage.
 2. Temporary secure storage is provided in the form of lock boxes located in or near areas where weapons or firearms are restricted such as booking, processing, or interview areas.
 3. Vehicles may be used for temporary storage when other means are not readily available.
 4. When on duty the handgun will remain loaded and secured in a holster worn by the user. The handgun will not be removed from the holster except upon order, for inspection, storage, or use in the line of duty. Long guns will be stored in cases or racks provided by the department chamber empty with ammo at ready for deployment.
 5. Home storage recommendations are somewhat dependant on the family make-up. Long guns should be stored in a case, unloaded, and separate from ammunition. Handguns should be stored in a location that is not easily accessible, considered out of reach/sight, and not accessible by accidental discovery. In addition to department provided security cables there are several after- market security devices ranging from safes to disabling devices that may be self purchased.
- E. Annually, under the direction of the Training Academy, a certified armorer shall inspect all firearms for wear or defects and make repairs or replacements. NO Department member, other than an armorer, shall disassemble a Department firearm further than field stripping for normal maintenance. Firearms presenting a defect or malfunction shall not be carried on duty until inspected and approved by a Department Armorer.
1. A firearms malfunction discovered during training shall be immediately turned over to the course Instructor. That instructor shall return the defective weapon to the Training Academy by the next business day.

2. An officer discovering a malfunction on-duty shall notify his immediate supervisor. That supervisor shall provide for a replacement weapon and ensure that the malfunctioning weapon is turned over to the Training Academy.
 3. An officer discovering a malfunction off-duty shall, prior to returning to duty, contact the Training Academy for replacement or repair.
 4. A department armorer shall inspect the weapon for wear; damage, etc. replace parts, make repairs or adjustments and complete a weapon inspection/service form before returning the weapon to the officer or inventory.
 5. Temporary replacement of the officer's firearm will be provided during normal working hours by the Training Academy. Alternative replacement, if needed, can be accomplished by the Operations Bureau Commander.
 6. Permanent changes in inventory or issued status shall be reflected on the appropriate equipment control form.
- F. The Training Academy shall maintain a record of all department issued or approved for use firearms. An inventory list is maintained for department owned weapons to include serial number and receiving officer. Approved weapons are maintained on separate documents placed in that officers training file.
- G. Alterations or modifications
1. Internal modifications such as different trigger styles, magazine releases and etc. as provided by Glock, Inc. may be installed by a Department Armorer to improve the user's ability to operate the firearm.
 2. "After Market" slip-on grips may be used to improve feel and handling characteristics. Armorer service is not required for these items. Grips that are attached with adhesive are considered permanent and may only be used with the expressed permission of the Training Division Commander.
 3. Decals or other personalization is not permitted unless approved by the Chief of Police for use by the entire Department.

1.3.10 Training and Qualification

- A. Firearms training from a certified firearms instructor are mandatory for all members who are authorized to carry firearms in the performance of duty.

- B. Members are required to attend each of the firearms training sessions. Each session will have five (5) scheduled dates on which an officer may attend. Firearms courses will vary along with the type of target used for training.
- C. Any member who fails to attain a passing score will be required to fire the course again the same day. If the member fails to pass after the second attempt, the officer will be placed on modified duty and relieved of his/her firearm, in addition, the officer will be required to attend and successfully pass a firearms retraining session. The Academy shall document this action with a copy sent to the Office of the Chief.
- D. Continued failure to attain a passing score or attend regularly scheduled firearms training sessions will be considered grounds for additional training/disciplinary action or, if warranted, dismissal.
- E. Only Police Officers demonstrating proficiency in the use of agency approved weapons are authorized to carry such weapons.
- F. A Police Officer who has taken an extended leave or suffered an illness or injury that could affect his use of firearms ability will be required to qualify before returning to enforcement duties.

1.3.11 Dissemination of Policy

Annually during firearms training Police Officers are required to review and sign the policy statement governing the use of firearms and force. Once signed, this form will be placed in the officer's training file. All Officers are to be issued copies of and be instructed in policies contained in AOM 1.3.1 through 1.3.5.

1.3.12 Annual Analysis of Use of Force

- A. There will be an annual review of all use of force incidents by Internal Affairs to ascertain training, policy or other Department needs.
- B. All use of force incident reports shall be retained as follows:
 - 1. Division Commander, Bureau Commander and Training Academy shall maintain a yearly file.
 - 2. Internal Affairs shall maintain report information in a permanent data base.

1.3.13 Carrying of Departmental Weapons On/Off Duty

- A. Police Officers are permitted to carry Department weapons during off duty hours. In connection with the exercise of this privilege, members are instructed to refrain

from carrying firearms during off duty hours when there is likelihood that they will be consuming alcoholic beverages or using legally prescribed drugs which may impair their physical or mental ability.

- B. Police Officers who elect to carry their Departmental issued weapon off duty may only carry it in a concealed fashion where it cannot be easily seen and is not readily accessible to anyone other than the officer carrying the weapon.
- C. Each officer shall carry his Department issued weapon and ammunition at all times, when on duty. Firearms shall be carried and secured in their proper cases or holsters and removed only when authorized. Public display of a firearm shall be avoided.
- D. An official badge shall be displayed in close proximity to the firearm by On-duty Officers in civilian clothing to avoid any conflict with the public,

1.3.14 Non Issued Personal Firearms

- A. The Department will allow Police Officers to carry on duty non issued firearms provided that:
 - 1. The weapon has been inspected and approved by the Department's Training Officer or his designee;
 - 2. The Police Officer has qualified on an approved Department firearms course and once a year thereafter.
- B. Officers who have been authorized to carry a non issued personal firearm (handgun) while on duty may only wear it in a concealed fashion where it cannot be easily seen and is not readily accessible to anyone other than the officer carrying the weapon.
- C. Officers who have been authorized to carry a non issued personal firearm while on duty may only use the weapon when their official police service weapon has either been forcefully taken away, has been rendered nonfunctional or is not readily available.
- D. Officers carrying non-issued personal firearms during off duty hours must comply with AOM 1.3.13.

1.3.15 Authorization of Discharge/Display of Firearm

There are only a limited number of occasions when an officer is authorized to discharge/display his/her firearm. Each officer must be aware of the circumstances in order to properly prepare for his/her duties. Officers are authorized to discharge/display their weapons as follows:

- A. Officers may discharge a weapon;
 - 1. When engaged in target practice or competition at an approved range or at an approved location.
 - 2. When it is necessary to kill a dangerous or seriously injured animal so as to remove further suffering. If possible effort should be made to contact the owner. Great care should be taken to protect members of the general public and if possible avoid killing the animal in public view.
 - 3. When authorized and justified to utilize deadly force.

- B. Officers may display a weapon;
 - 1. When engaged in training at an approved location.
 - 2. At the command of a firearms instructor or a ranking supervisor.
 - 3. For the purpose of inspection/cleaning.
 - 4. Officers shall follow all basic safety rules when handling or displaying any firearm. Any firearm returned or given to any person shall be in a safe condition; UNLOADED AND ACTION OPEN. The only exception will be on the firing line, during a training session at the command of the firearms instructor.
 - 5. During officer safety situations in which the use of deadly force would be justified or a deadly force decision could be anticipated through training or experience. (i.e. felony vehicle stops or building searches)

- C. Discharging a firearm is prohibited:
 - 1. From or at a moving vehicle unless absolutely necessary in self defense or in the defense of others against the suspect's use of deadly force.
 - 2. When the suspect is not clearly visible unless the officers are being fired upon from such location.

- D. Unintentional discharge of a firearm in the line of duty including training.
 - 1. A separate report titled "Discharging a Firearm by Officer" shall be submitted IAW normal Department reporting procedures.
 - 2. A copy of this report shall be distributed the same as a Use of Force Report.

3. If a malfunction is claimed to be the source of the discharge, a report on the discharge shall be filed and the weapon handled IAW AOM 1.3.9.