

**Office of the Sheriff  
Genesee County**

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# Office of Genesee County Sheriff

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June 11, 2003

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James Gage - Undersheriff  
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## MEMORANDUM

To: All Employees

From: Sheriff Robert J. Pickell

Subject: Major Rule Violations

Under the provisions of *Section 11.0* of the Collective Bargaining agreements the Office of the Sheriff, Genesee County has defined the following as major infractions, which carry a penalty of suspension or discharge for a first (1<sup>st</sup>) offense violation:

- Falsification of records or reports.
- Possession of or consumption of alcoholic beverages, narcotics, or controlled substances while on duty, or reporting to work while under the influence of the aforementioned intoxicants or controlled substances.
- Insubordination
- Misappropriation or theft.
- Abusive or improper treatment of an inmate or arrested subject.
- Threatening employees or supervision at any time.
- Untruthfulness
- Gross Negligence.
- Conviction of a Felony.
- Conviction of a Misdemeanor.
- Improper Use of a Weapon or Force.
- Improper Release of an Inmate.
- Misuse of L.E.I.N.
- Failure to provide proper care and use of Sheriff Office property.
- Abuse of powers of arrest.
- Absence from duty station/post without authorization.

## Major Rule Violations

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- Any violations of Laws of the U.S., Michigan, or Local Government.
- Unauthorized release of Sheriff Office information or investigations.
- Neglect of duty.
- Misuse or care of seized evidence/property.
- Misuse of recorded communications.
- Harassment or discrimination.
- Unauthorized possession of weapons.
- Immoral conduct or indecency.
- Assault/fighting
- Strike or work slow down.
- Fraud
- Misconduct off the job which affects the ability to perform job duties or brings the county into disrepute.
- Associating with known felons.
- \*\* Contact with prospective witnesses in an Internal Affairs Investigation with the intent of coercing their statements or testimony.

**\*\*added on 6/11/03**

Absences, tardiness, and call-ins will continue to be handled pursuant to the separate policy on absenteeism.

Cc: Steve Stratton, Director, Human Resources  
Don Jekel, Labor Relations Manager  
President, Local 2259  
Chief Steward, Local 2259  
Local 916, Chapter F  
Chief Steward, Local 916, Chapter F  
President, Local 916, Chapter G  
Chief Steward, Local 916, Chapter G

RJP:yg major rule violations

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### **COMMUNITY RELATIONS POLICY**

The Office of the Sheriff Genesee County acknowledges that it is a primary function to provide fair and impartial police and detention services to all the people in Genesee County. Therefore, the Sheriff's Office appreciates the necessity of a high level of community cooperation to ensure the effective delivery of community-oriented law enforcement services.

The Sheriff's Office further recognizes that to provide such services, it is necessary that each employee of the Sheriff's Office maintain exceptional self-discipline relating to matters of courtesy, tact and integrity. Because of this, the employees of the Sheriff's Office will conform to the following principles:

The employees of the Sheriff's Office will enforce the law equally and impartially without regard to race, sex, creed, religion, national origin, social or economic status.

1. The employees of the Sheriff's office will act, speak and conduct themselves in such a manner as to treat all persons with the courtesy and respect due every other human being. They will not display bias or prejudice against any race, religion, group or individual.
2. The Sheriff's Office understands that the function of the police is to apprehend and detain those suspected of having committed a crime and not to punish them. The officers will use only that amount of force necessary to overcome resistance to arrest or control.
3. This Sheriff 's Office is both philosophically and legally committed to fulfilling the mandates of the non-discrimination provisions of all State and Federal Rules and Regulations. The Sheriff's Office will not exclude an individual because of race, religion, gender or national origin from consideration for examination, employment, appointment, promotion or retention.
4. The Office of the Sheriff Genesee County will adhere to these principles in order to assure that it continues to provide fair and meaningful service to all people.

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### **LAW ENFORCEMENT CODE OF ETHICS**

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

I will keep my private life unsullied as an example to all, maintain courageous calm in the face of danger, scorn or ridicule, develop self-restraint and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of the Office of the Sheriff Genesee County. 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 of favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chose profession -- law enforcement.


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### **JAIL MISSION**

Inmates are confined at the Genesee County Jail by Federal, State and local law enforcement agencies, along with the Genesee County Courts for a variety of reasons, such as to await trial, await sentencing after conviction and to serve a stated period of time as punishment after being lawfully sentenced. It is the mission of the Office of the Sheriff Genesee County to keep inmates confined in a reasonable, orderly and secure manner until their lawful release. To achieve this mission, inmate behavior must be controlled to the extent that escape from confinement is prevented. Inmates must not be able to harm themselves, fellow inmates or corrections deputies. Inmates must be free from harm by corrections deputies and not be subjected to abusive or exploitative conduct. Inmates must not be placed in dangerous situations.

Inmates are citizens and have basic legal rights. They must receive proper nutrition, health care and reasonable visitation with their families. Counseling programs, educational opportunities, religious involvement and recreational opportunities will be provided for the psychological well being of the inmates. It is the responsibility of the institution to see that inmates suffer no permanent physical or psychological damage while incarcerated.

Jail security, inmate rights and protection can only be assured in a regulated atmosphere directed by qualified and concerned personnel in an equitable and regulated system.

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### **RULES AND REGULATIONS RESPONSIBILITY**

These Rules and Regulations are immediately and henceforth placed into effect pursuant to the applicable provisions of collective bargaining agreements. All orders, regulations and procedures which are inconsistent with these Rules and Regulations are hereby rescinded.

**However, where a policy conflicts with Union Bargaining Agreements, the contract language will prevail.**

Amendments to the Rules and Regulations published as general orders will remain in effect until such time as they are rescinded, unless the order is in conflict with these Rules and Regulations, in which instance the order is superseded.

These Rules and Regulations are intended to govern the conduct of and provide guidance to Sheriff's Office employees both on and off duty, but are not all inclusive, since it is not possible to list all acts of conduct which could give rise to discipline.

#### **RESPONSIBILITY OF COMMANDING OFFICERS AND CIVILIAN ADMINISTRATORS**


In accordance with the general responsibilities of Command Officers as outlined in the Rules and Regulations, Command Officers shall be responsible for holding meetings with employees of their Command for the purpose of explaining these Rules and Regulations.

#### **RESPONSIBILITY OF SHERIFF'S OFFICE EMPLOYEES**

All Office of the Sheriff Genesee County employees have the responsibility of knowing and understanding these Rules and Regulations. It is the responsibility of the employee to obtain the assistance of the immediate Supervisor in the interpretation of any section which is not thoroughly understood.

#### **REVISION RESPONSIBILITY**

Responsibility for revision and updating of this order lies with the Sheriff. Command Officers and Civilian Administrators are responsible for the submission of proposed revisions of this order.

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### **PREAMBLE TO RULES AND REGULATIONS**

By virtue of the authority vested in me as Sheriff of Genesee County, Michigan, the following Rules and Regulations are prescribed, and except under circumstances or in situations I deem it in the best interest of the Sheriff's Office to do otherwise, shall govern the administration of the Sheriff's Office and the conduct of the employees.

In any ordered structure, it is necessary that there be written principles governing conduct, actions and procedures. Rules give a unified method of reaching a definite goal.

Any administrative unit requires guidelines for planned and orderly procedure. The fact of a rule implies the exercise of authority.

A regulation is a governing direction; a rule of order.


The fact of the presentation of this manual of Rules and Regulations, informs all persons to whom they apply of an expectation of conduct in any given situation.

These Rules and Regulations are intended for the guidance of employees of the Office of the Sheriff Genesee County, so they may be informed on the operations of the Sheriff's Office, their responsibilities and the code of ethics they are expected to observe. Therefore, each officer and civilian Sheriff's Office employee is hereby directed to read and become familiar with these Rules and Regulations.

In establishing such regulations, it is impossible to anticipate every possible situation; however, the lack of a rule or regulation shall not lessen the requirement that personal conduct must at all times be well within the bonds of propriety and that discretion and good judgment must be exercised in the performance of duty.

Officers of The Sheriff's Office, and where appropriate, civilian employees may be cited for violation of any of these Rules and Regulations or the provisions of any Sheriff's Office general order.

Employees of the Sheriff's Office must remember to fulfill the trust that has been placed in them to serve the people well faithfully. It is both our privilege and obligation to carry on the fine traditions that have won esteem and prestige for the Office of the Sheriff Genesee County and have made the organization a symbol of service.

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## **DEFINITIONS**

### **ADMINISTRATIVE ORDERS**


Orders issued by a Division Commander to assure the efficient operation of said division, or to enforce compliance with procedures, or to form a channel of communications to subordinate commands with a formalized order. Said orders apply to division units only and do not impinge upon, establish or modify General or Special Orders.

### **GENERAL ORDERS**

Permanent Orders issued by the Sheriff not relating to a specific circumstance or situation, but affecting the entire Sheriff's Office.

### **SPECIAL ORDERS**

Orders issued by the Sheriff relating to some specific circumstance or situation, usually of a temporary nature, that ordinarily does not affect the entire Sheriff's Office. Personnel actions such as appointments, assignments, transfers, promotions, commendatory or disciplinary measures shall be carried in Special Orders and will be printed on yellow paper.

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## ARTICLE I

### CHAIN OF COMMAND

#### SHERIFF:

Section 1.1: The Sheriff is the elected head of the Office of the Sheriff Genesee County and is vested with full power and authority over the organization, administration, appointments and discipline of the Sheriff's Office and all employees insofar as such matters are subject to the lawful authority of that position. This authority shall not be assumed or exercised by an officer of the Sheriff's Office except as provided for by these Rules and Regulations and the general orders of the Sheriff's Office or when delegated to an employee of the Sheriff's Office by the Sheriff when necessary for the execution of Sheriff's Office affairs.


#### UNDERSHERIFF:

Section 1.2: The Undersheriff is appointed by the Sheriff and shall serve as Acting Sheriff during such times as the Sheriff is out of the County and upon such occasions as the Sheriff may choose. In the absence of the Sheriff and Undersheriff, the Sheriff shall designate a commissioned officer to serve as Acting Sheriff.

Section 1.2A: Any officer, while serving as Acting Sheriff, shall perform the duties and have the power and authority of the Sheriff, including the authority to issue temporary directives which are required to meet current operational demands. Unless granted to the Acting Sheriff by the Sheriff, that position shall have no authority to promote any employee of the Sheriff's Office, amend these Rules and Regulations or issue or amend any general order.

#### CORRECTIONS ADMINISTRATOR:

Section 1.3: The Corrections Administrator shall have the responsibility of the Jail. It shall be the responsibility of the Corrections Administrator to keep the Sheriff and Undersheriff informed of general conditions, important developments, criminal conditions and unusual occurrences taking place within the Jail. The Corrections Administrator shall advise and submit recommendations to the Sheriff and Undersheriff on all matters of Sheriff's Office concern. In the absence of the Undersheriff, the Sheriff may appoint that officer to act in that position. The Corrections Administrator is also responsible for ensuring jail conditions adhere to State of Michigan Department of Corrections (MDOC) guidelines. The Corrections Administrator has no military rank assigned, however will be equal to the law enforcement Captain in the chain of command. The Corrections Administrator shall report to the Undersheriff.

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### **CAPTAIN IN CHARGE OF LAW ENFORCEMENT:**

**Section 1.4:** The Captain is the supervisor of law enforcement functions; Traffic Safety Division (including precincts), Court Security Division, Detective Bureau (including detectives assigned to Prosecutor, F.A.N.G, D.E.A., and other assignments) and the Marine Division. The Captain shall report serious conditions or unusual occurrences taking place within the County to the Sheriff and Undersheriff. In the absence of the Undersheriff, the Sheriff may appoint that officer to act in that position. The Captain of law enforcement functions shall report to the Undersheriff.

### **CAPTAIN IN CHARGE OF PARAMEDICS:**

**Section 1.5:** The Captain is responsible for the efficient operations of the division. The Captain is responsible to oversee Paramedic Protocol Procedures. The Captain shall report all unusual conditions or occurrences and submit recommendations relating to same. The Captain in charge of Paramedics shall report to the Undersheriff.

### **LIEUTENANT PARAMEDIC DIVISION:**


**Section 1.5A:** The Lieutenant assigned to the Paramedic Division shall work a staggered shift that enables supervision of the second and third shifts of the Paramedic division. The Lieutenant is responsible for the efficient operation of these shifts, and to report serious conditions or unusual occurrences to the Division Commander. The Lieutenant reports to the Paramedic Division Commander.

### **LIEUTENANT IN CHARGE OF TRAFFIC SAFETY:**

**Section 1.6:** The Lieutenant in charge of the Traffic Safety Unit, Marine Patrol and Contract Road Patrol Precincts will be responsible to the **Law Enforcement Captain**. The Lieutenant is responsible for the efficient operation of the unit. The Lieutenant shall report all unusual conditions or occurrences and submit recommendations relating to same.

### **JAIL SECURITY LIEUTENANT:**

**Section 1.7:** Jail Security Lieutenants command a shift of corrections deputies in the Jail and are responsible for the safe, secure and efficient operation of that shift, assuring that jail operations and prisoner security are maintained to ensure public safety. The Jail Security Lieutenant reports to the Corrections Administrator.

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### **COURT SECURITY LIEUTENANT:**

Section 1.8: The Court Security transport Lieutenant will be responsible to the **Law Enforcement Captain**. The Lieutenant shall be responsible for security at Circuit, District and Probate Courts, as well as transportation of prisoners between the jail, the courts, prison and other facilities.

### **DETECTIVE DIVISION COMMANDER:**


Section 1.9: The Detective Division Commander is the Captain and shall be responsible to the Undersheriff for the general police conditions and proper and efficient enforcement of all laws within the jurisdiction of that position. The Detective Division Commander shall inform the Undersheriff of important developments, serious crimes, criminal conditions and unusual occurrences taking place within the County and shall submit recommendations relating to such matters.

### **SERGEANTS:**

Section 1.10: All sergeants shall be responsible to their Division or Jail Shift Commander for the supervision and proper performance of duty by personnel under their command. Disciplinary action may be initiated by Sergeants through their Commander unless immediate action is required for the safety and welfare of persons or property or for the operation of the unit. Thereupon, their Commander shall be notified immediately. Sergeants, when working as Shift Supervisors, are in charge of all personnel working under their direction. This includes any other personnel assigned to the shift.

### **DETECTIVE SERGEANTS:**

Section 1.11: Sergeants assigned as Detective Sergeants shall have responsibility commensurate with their designated rank. Their primary function is to serve as investigators and to supervise personnel working under their command or at the scene of a crime where the investigator is in charge.

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### **STAFF DIVISION AND SECTIONS:**

Section 1.12: Employees assigned to Administrative Staff positions will have the authority provided by virtue of their assignment. Responsibility and function of staff employee positions will be established by the Sheriff.

Section 1.12A: A Command Officer or employee assigned as an administrative head of a Staff Division shall be responsible to the Undersheriff for the efficient operation of his/her Division. A Command Officer or employee assigned primary supervisory responsibility of a Division, shall be responsible to the next highest level of command or supervision within the Division.


Section 1.12B: Division, Bureau, Shift Command and Supervisory personnel shall supervise and be responsible for the proper performance of duty of personnel assigned to their respective Division, Bureaus and Shifts. In addition, Division Commanders shall be responsible for the operational control of Division personnel assigned to their Division. Such operational control will function in a coordinated manner, expediting the goals and objectives of the individual staff division responsibilities. A further duty of Command and Supervisory personnel is to assure that proper service is being provided by their Division, Bureau or Shift and that the work unit is meeting its responsibilities. Division, Bureau or Shift Commanders have authority to adopt and enforce policies and procedures for the efficient operation of their command. Such policies shall not conflict with general orders and are subject to cancellation by superior authority. All such policies shall be written with a copy sent to each section or unit under their jurisdiction and to the next highest level in the chain of command for their review.

### **COMMAND AUTHORITY:**

Section 1.13: When officers on patrol, desk duty, detail or other assignment are of equal levels, the officer with the greatest seniority shall be in command unless orders to the contrary have been issued by superior authority.

### **SUCCESSION OF COMMAND:**

Section 1.14: In the absence or incapacitation of a designated Command Officer, the Supervisor with seniority shall assume command until relieved by superior authority.

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### **ACTING AUTHORITY:**

Section 1.15: An officer who has been designated to serve in an acting capacity by proper authority or through incapacitation of a Command Officer, shall have the authority and responsibility of the position provided it is not inconsistent with these Rules and Regulations or the general orders.

### **SENIORITY:**


Section 1.16: Seniority shall be determined first by rank and level, second by length of service in rank and level and third by a length of service in preceding ranks and levels considered successively when or as is consistent with Union contracts.

### **GENERAL RESPONSIBILITIES OF COMMAND AND ADMINISTRATION (CIVILIAN)**

Section 1.17: Over and above any of the above mentioned duties of specific Command Officers, all officers and civilian supervisors in the Sheriff's Office, who occupy a position of command supervision or administration, shall be responsible for the efficient performance of duty, attendance, appearance and discipline of employees within their command. They shall ensure that all Sheriff's Office property, buildings and equipment assigned to their command are properly inventoried and maintained, that proper service is being provided and that their work unit is meeting its responsibilities.

Section 1.17A: The Corrections Administrator shall have the authority to establish policy for the efficient operation of the Jail. Such rules shall not conflict with established policy and are subject to cancellation by the Sheriff or Undersheriff. Such policy shall be reviewed in advance by the Undersheriff and Sheriff.


Section 1.17B: Command Officers and Civilian Supervisors are encouraged to promote among the employees of their command, a high degree of morale and job proficiency in relation to the goals and mission of the Sheriff's Office and their respective work units. They will also recognize outstanding performances by personnel assigned to them, and when appropriate, shall apply for personal recognition on their behalf through the award system.

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Section 1.17C: Command Officers and Civilian Supervisors shall also encourage all employees to submit, through official channels to the Sheriff, constructive ideas and suggestions for improving Sheriff's Office procedures, attaining Sheriff's Office goals or bettering service to the people of Genesee County.

Section 1.17D: Command Officers and Civilian Supervisors are responsible for maintaining and improving cooperation with local and federal law enforcement agencies, public officials and other individuals involved in Sheriff's Office affairs.

Section 1.17E: Any Command Officer or Civilian Supervisor shall take corrective action if any lower level Sheriff's Office employee is conducting himself in violation of general rules, regulations or laws. Such action may be verbal corrective action or whatever the situation dictates. If time permits, the matter should be referred to the employee's immediate supervisor who will be responsible for correcting the situation. If time does not permit this, action shall be taken and the employee's immediate supervisor shall be advised immediately.

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## ARTICLE II

### ADMINISTRATIVE RULES AND REGULATIONS

#### REPORTING POLICE ACTIVITIES:

Section 2.1: Officers of the Office of the Sheriff Genesee County shall promptly report all arrests made, investigations conducted and activities performed. All matters of criminal concern, activities involving law and order, unusual occurrences or conditions, reports of serious crimes or incidents of a police nature coming to the attention of officers or other Sheriff's Office employees shall be reported as soon as reasonably possible whether the Sheriff's Office employee is on or off duty. Such reports shall be accurate, factual and in accordance with procedures established in general orders or by other official directives. Information will not be willfully or intentionally withheld from Sheriff's office records, reports, etc.


#### OFFICIAL OFFICE OF THE SHERIFF GENESEE COUNTY BUSINESS:

Section 2.2: Employees of the Office of the Sheriff Genesee County shall treat as confidential the official business of the Sheriff's Office. They shall not communicate with anyone, except authorized employees of the Sheriff's Office, concerning matters arising from Sheriff's Office operations, activities or performance of duties, except as required or approved by Command Officers, Civilian Supervisors or as required by law or court order.

#### STATEMENTS IN CIVIL LITIGATION:

Section 2.3: Employees of the Office of the Sheriff Genesee County shall not give statements concerning matters investigated by the Sheriff's Office to litigants or their attorneys in civil cases without the knowledge and approval of their Commanding Officer or Civilian Supervisor. An order of any court requiring such statements does not require Sheriff's Office approval; however, the employee shall notify his/her Commanding Officer of the court order before compliance.

Section 2.3A: In cases where the Corporation Counsel is representing a Sheriff's Office employee, the employee's Commanding Officer shall be notified and a confidential attorney/client interview will be conducted between the employee and Corporation Counsel. In such cases, the Sheriff or Undersheriff shall so notify the employee involved through channels.

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Section 2.3B: In cases where the Sheriff's Office employee is to be interviewed by the Corporation Counsel and the Counsel is representing the employee or the Sheriff's Office and a formal statement is to be given, the employee's Commanding Officer shall be present.

Section 2.3C: In cases involving investigations against the Sheriff's Office or its employees of outside persons or agencies, the Sheriff shall be notified prior to the statement being given.

### **REQUIRED RESPONSE TO A DIRECT ORDER:**


Section 2.4: Office of the Sheriff Genesee County employees who have been given a direct order by a superior officer to respond to specific questions which pertain to job-related matters, or to their conduct, which is under investigation by the Sheriff's Office, are required to truthfully answer such questions. In some cases, Garrity Rights may precede questions. Where criminal prosecution is probable, no such orders shall be given without approval of the Sheriff. Miranda Warning shall be given where appropriate.

Section 2.4A: An investigator designated by the Sheriff to investigate complaints against Office of the Sheriff Genesee County employees shall have the authority of the Sheriff to order Sheriff's Office employees to answer all questions specifically directed and narrowly related to the allegation or complaint. The employee's response shall be in the same manner as Section 2.4.

### **USE OF SHERIFF'S OFFICE FACILITIES**

Section 2.5: Office of the Sheriff Genesee County installations shall not be used by non-employees of the Sheriff's Office unless such use is authorized by the Sheriff or Undersheriff.

Section 2.5A: All employee lockers and employee storage areas which are used by Sheriff's Office employees at Sheriff's Office installations and facilities are provided solely for the employee's convenience. No employee acquires a proprietary right to such lockers or storage area and all are subject to periodic administrative inspection, even if they are locked. Under normal circumstances, such inspection shall be conducted in the presence of the employee.

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### **DUTY STATUS:**

Section 2.6: Office of the Sheriff Genesee County employees shall be considered on duty status whenever they are working during hours assigned by a Command Officer or when emergency conditions and their responsibilities as a Sheriff's Office employee requires them to act. When not so engaged, they shall be considered as off duty. Nothing in this section shall be construed to relieve an officer of his/her responsibility to respond as a police deputy when particular conditions of the law requires such response.

### **AVAILABILITY OF PERSONNEL:**

Section 2.7: All employees of the Sheriff's Office, while on vacation, shall provide their Command Officers with an address or phone number through which they can be contacted within a reasonable time.

Section 2.7A: Upon official notification from the Sheriff's office of a probable need for manpower, personnel shall not leave the County without approval of their Command Officer or his/her representative.

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## ARTICLE III

### OPERATIONAL RULES AND REGULATIONS

#### MILITARY COURTESY:

Section 3.1: The Office of the Sheriff Genesee County is a semi-military organization within which the practice of military courtesies and custom is essential to efficiency and discipline. All officers of the Sheriff's Office will conduct themselves in accordance with this concept.

All subordinate officers will, in the conduct of Sheriff's Office affairs, address their superiors by title of rank.


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

#### USE OF SHERIFF'S OFFICE TELEPHONES:

Section 3.2: Office of the Sheriff Genesee County telephone lines shall be used to transact official Sheriff's Office business. Long distance telephone calls, which are chargeable to the Sheriff's Office, shall be made in accordance with established policy with the approval of the officer or civilian supervisor in charge of the Sheriff's Office installation at the time of the call.

Sheriff's Office employees answering telephones shall clearly identify the Sheriff's Office installation and themselves by name and rank, if applicable. All telephone business shall be conducted in a courteous manner with every reasonable effort made to satisfy the party calling.

All Command Officers and Civilian Supervisors are responsible for assuring that telephones at their installations are properly used.

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### **RESPONSE TO POLICE CALLS:**

Section 3.3: Employees of the Office of the Sheriff Genesee County shall give immediate attention to citizens calling in person or by telephone for police assistance. Officers and civilian employees assigned to desk duty shall handle, with dispatch, those matters requiring the assistance of police personnel.

### **REFERRAL OF CALLS FOR POLICE ASSISTANCE TO ANOTHER AGENCY:**

Section 3.4: A call for police service outside of the County shall be accepted and the information conveyed to the police agency where service is to be performed.

### **LOCATION OF SHERIFF'S OFFICE CARS AND MEMBERS ON DUTY:**


Section 3.5: Officers assigned to radio equipped vehicles shall maintain contact with their station in accordance with established Sheriff's Office procedure. It shall be the responsibility of the Command Officer to know at all times the general location of all cars, the names of the employees in each car and the nature and progress of the assignments being performed.

### **CONFORMATION WITH FCC REGULATIONS:**

Section 3.6: All messages transmitted by radio and teletype shall conform to the rules and regulations of the Federal Communications Commission and established Sheriff's Office procedure. Official Sheriff's Office business only shall be transmitted on such systems and all communications shall be properly recorded on the logs. Shift supervisors are responsible for assuring that this Section is complied with.

### **TRAVEL:**

Section 3.7: Requests for out-of-County travel shall be made through channels. No Sheriff's Office employee shall leave the County in the performance of duty without authorization of the Sheriff or his designated representative. If expenses for such routine work are encountered, the travel shall be reported through channels after the fact.

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### **CARE AND USE OF PROPERTY:**

Section 3.8: Every employee of the Office of the Sheriff Genesee County is individually charged with the responsibility for the proper care and use of Sheriff's Office property and equipment and is inventorially accountable for that which is issued to or being used by him/her. Other than vehicles, personally used items shall be charged to the inventory of the individual using the equipment. An employee may be held personally liable for any damage to or loss of Sheriff's Office property or equipment resulting from his/her carelessness or negligence. Employees shall report to the Sheriff, through channels, any damage to or loss of Sheriff's Office property. Sheriff's Office employees shall inspect vehicles and equipment prior to use and report any damage noted by them to their supervisor.


Section 3.8A: Sheriff's Office vehicles, boats and other equipment shall be operated in a safe, courteous and cautious manner, in obedience to the law and established procedures consistent with the Sheriff's Office function in which they are used. No Sheriff's Office vehicle, boat or other equipment shall be used for any non-duty purpose without authorization. Unattended Sheriff's Office vehicles shall be locked except when an emergency would make such action impractical. Ignition keys shall not be left in unattended vehicles.

Section 3.8B: Sheriff's Office vehicles, boats and other equipment shall be operated only by employees of the Sheriff's Office regularly or specifically authorized to do so. Non-employees may be authorized to operate Sheriff's Office transportation equipment for the purpose of carrying out an official function of the Sheriff's Office in case of necessity. Sheriff's Office vehicles, boats and other equipment shall be used only for authorized official business.

Section 3.8C: No employee of the Sheriff's Office shall use his or her personal vehicle for the purpose of business connected with the Sheriff's Office, unless authorized by his/her Commander.

### **SERVICE, MAINTENANCE AND REPAIR OF COUNTY OWNED PROPERTY:**

Section 3.9: After use, property and equipment shall be properly serviced, repaired and returned to the customary place of storage so as to be ready for immediate reuse. Likewise, property and equipment, including motor vehicles, shall be checked prior to use to assure proper condition. Property and equipment requiring maintenance or repair that cannot be cared for by a employee shall be immediately reported to the appropriate Command Officer or caused to be maintained or repaired in accordance with the Command Officer's directives and so noted.

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### **POWER OF ARREST:**

Section 3.10: Certified officers of the Office of the Sheriff Genesee County shall use their power of arrest strictly in accordance with the law and with due regard for the rights of citizens. Under law, both on and off-duty officers of the Sheriff's Office have peace officer authority as to any public offense committed in his presence or when he has probable cause to believe that a felony has been committed in Genesee County. Off-duty officers of the Sheriff's Office will give first consideration to causing appropriate action to be taken by the responsible law enforcement agency or by on-duty personnel of the Sheriff's Office, if occurring in unincorporated areas, before taking appropriate action themselves.

Section 3.11: Anytime an arrest is made by the Sheriff's Office which may be of unusual interest to the news media, the Sheriff or Undersheriff shall be notified in order to authorize the release of appropriate information.


### **CONTROL AND TREATMENT OF PRISONERS:**

Section 3.12: Officers shall be responsible for the treatment of prisoners in their custody or any other person they come in contact with as a result of their official duties. Visible cuts and bruises or other apparent injuries suffered by any person as the result of the action of an officer, shall be brought to the attention of the officer's on duty supervisor for determination of whether further investigation is necessary. The incident shall also be reported in detail within the Sheriff's Office complaint report, a copy of which shall be submitted to the Sheriff forthwith. The report shall detail the injury incurred, the action which caused the injury and the officer's justification for such action.

Section 3.12A: Officers shall exert only such force as may be reasonably necessary to overcome resistance to a lawful arrest and to maintain proper custody of a prisoner. Arresting officers are responsible for maintaining custody of their prisoners until they are placed into the custody of custodial officials. Willful maltreatment of a prisoner will not be tolerated.

### **RELEASE, BAIL AND COUNSEL OF PRISONERS:**

Section 3.13: No employee shall furnish bail or bond nor recommend or employ counsel for any prisoner unless a relative is involved as the accused. A prisoner shall be accorded all legal rights as required by law and criminal procedure.

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### **RECOMMENDATIONS FOR REDUCTION OR DISMISSAL OF CHARGES:**

Section 3.14: Office of the Sheriff Genesee County employees shall not, in any manner, request or recommend a reduction or dismissal of any criminal charge against a defendant without first advising the Sheriff or Undersheriff.

Section 3.14A: An employee of the Sheriff's Office may, after obtaining the approval of his/her unit commander, enter into an agreement with the Prosecuting Attorney to reduce or dismiss a criminal charge which has been filed against an arrested person. Such a charge must be for a criminal offense only. Traffic offenses may not be recommended for reduction. Any reduction or dismissal will become a part of the complaint file. Involvement in charge reduction or dismissal shall take place only in those unusual instances where justice would be better served by this action. The employee recommending such action shall make recommendations only to and through the involved Prosecutor. Direct negotiations with the defendant or his/her attorney are prohibited.

### **SEARCH AND SEIZURE:**


Section 3.15: Officers shall abide by the laws of search and seizure in the performance of their duty.

### **FIREARMS POLICY:**

Section 3.16: "Human life is precious. The American system of justice is designed to afford those charged with the commission of a crime the right to be tried by judge or jury in a court of law. The value of human life far outweighs the gravity of all crimes other than those in which either life is threatened or taken."

### **USE OF FORCE TO EFFECT ARREST OR PREVENT ESCAPE FROM CONFINEMENT:**

Section 3.17: Reasonable and necessary force may be used to apprehend, subdue or restrain a person being arrested or attempting to escape confinement. Officers shall not use more force in any situation than is reasonably necessary under the circumstances. Deadly force may be used to effect an arrest only in extreme situations in order to protect officers or innocent citizens from bodily harm. Deadly force shall not be used to effect the arrest of a fleeing felon or prevent the escape from confinement of a felon except where the officer has virtual certainty that the person has perpetrated or is charged with a life threatening assault or homicide.

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For the purpose of implementing the above policy, the phrase “virtual certainty” shall be reasonably construed to mean “in effect, sure or positive” or “substantially sure or positive” or “essentially sure or positive”.

Assuming that the use of deadly force is justified, officers are not compelled to use it if, in their judgment, the defense of themselves or other, or apprehension of a fleeing or escaping felon, can be accomplished by other means. Assuming that the use of deadly force is justified, it still remains the individual responsibility of officers of the Sheriff’s Office to exercise appropriate discretion and professional judgment in the use of their weapon to avoid causing injury or death to innocent persons.


Whenever an officer of the Sheriff’s Office, whether on duty or off duty, fires a weapon, intentionally or accidentally, except when engaged lawfully in hunting, target shooting or military duty, he or she will submit a complete written report of the shooting to a Command Officer, of the rank of Lieutenant or above, within a reasonable time after the shooting occurs, who will forward it to the Sheriff.

Any incident in which an officer of the Sheriff’s Office fires a weapon will be fully investigated and the results of the investigation forwarded to the Sheriff for appropriate action.

If it is determined, after investigation, that an officer used deadly force contrary to the policy stated herein, or fired a weapon unlawfully or without justification, appropriate disciplinary action will be imposed against the officer, independent from any criminal law liability the officer’s act may warrant.

Section 3.17A: All employees of the Sheriff’s Office are hereby notified that the policy of the Sheriff relating to the carrying of firearms while off duty, i.e., not on a scheduled work assignment is as follows:

Employees of the Sheriff’s Office Genesee County are not required to carry weapons while off duty. Employees who are authorized pursuant to Michigan law to carry a weapon while off duty, do so at their discretion and not in accordance with Sheriff’s Office policy. All employees are notified that they are personally responsible for any misuse of a weapon while off duty and will be held accountable under the Sheriff’s Office policies relating to use of firearms, in addition to any other legal sanctions imposed.

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**COMPLAINTS INVOLVING A SHERIFF'S OFFICE EMPLOYEE BY OUTSIDE AGENCY/PERSON;**

Section 3.18: All complaints against a Sheriff's Office employee shall be accepted at any level where reported.

**REPORTS SUBMITTED ON ALLEGATIONS AGAINST A SHERIFF'S OFFICE EMPLOYEE:**

Section 3.19: A written report of a complaint involving a Sheriff's Office employee shall be completed by the receiving officer or the Commanding Officer initiating the complaint against the employee. The original and first copy shall be forwarded to the Shift Commander or Civilian Supervisor of the employee involved. The second copy shall be directed through the Undersheriff to the Sheriff.

**SERIOUS INFRACTIONS OF RULES:**

Section 3.20: In cases of infractions of rules and regulations or general orders which are possible violations of the law, the Sheriff's Office employee's Commanding Officer shall notify the Sheriff through the chain of command.


**EMPLOYEE'S RESPONSE TO COMPLAINT OR ALLEGATION:**

Section 3.21: The involved employee shall be advised of complaints and allegations against him/her by the Commanding Officer or Civilian Supervisor and he/she may be directed to relate, in writing, all facts and circumstances which have direct bearing in the matter.

**RELIEF FROM DUTY:**

Section 3.22: Any officer involved in a fatal shooting or shooting involving injuries, may be placed on administrative leave by the Sheriff, pending completion of an investigation.

Any officer charged with a criminal offense may be suspended by the Sheriff, without pay, pending an investigation of the circumstances or the adjudication of the charges.

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### **SURRENDER OF SHERIFF'S OFFICE PROPERTY:**

Section 3.23: Except as otherwise directed by higher authority, employees of the Sheriff's Office relieved from duty shall immediately surrender their badges, identification cards and Sheriff's Office firearms to the superiors relieving them. Following suspension by the Sheriff, the employee may be required to surrender to their Command Officers or Supervisor, or other designated persons, all County property which has been issued to them.

**Section 3:23A: Relieved from duty includes; suspensions, and the following extended absences:**


- education leaves
- personal leaves
- leave of absence
- active military leave
- union business leave

**It does not include sick leave, call-ins, vacation days, personal days, worker's compensation, reserve training leave, short term union leave, bereavement leave, jury duty, witness leave and family and medical leave.**

### **CONDUCT OF RELIEVED OR SUSPENDED EMPLOYEE:**

Section 3.24: Officers relieved or suspended from duty shall have no police authority. However, they shall be liable for any violation of these rules and regulations, general orders and established policy directives and public law. During the period employees are suspended, they shall not be permitted to wear the uniform of the Sheriff's Office.

Section 3.24A: Any employee relieved from duty, but continued on pay status, shall comply with outside employment rules. Any employee suspended without pay shall notify the Sheriff or Undersheriff upon obtaining interim employment. Suspended employees who contemplate returning to the Sheriff's Office shall not become engaged in types of employment which would be prohibited by the Sheriff's Office.

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## ARTICLE IV

### RULES OF CONDUCT

#### SOLICITATION AND ACCEPTANCE OF GIFTS:

Section 4.1: No Office of the Sheriff Genesee County employee or group of employees of the Sheriff's Office shall solicit or accept, either directly or indirectly, any bribe, gift, reward, gratuity, loan or any material thing or benefits from any person or business who, through conflict of interest, might be in a position to benefit by such action. Sheriff's Office employees are prohibited from using their official position, badge or official identification for personal or financial gain or for obtaining privileges not otherwise available to them. Employees will not accept any fee, reward or gift of any kind from an arrested person.

#### SOLICITING FOR PERSONAL ADVANCEMENT:


Section 4.2: Office of the Sheriff Genesee County employees shall not request or utilize the aid of any person, group or organization outside the Sheriff's Office for the purpose of obtaining rank or position within the Sheriff's Office, or to secure restoration to rank, position or assignment from which he/she has been removed, except as provided by union contract or other legal remedy.

#### ABSENCE FROM DUTY:

Section 4.3: No employee shall be absent from duty or assignment without authorization. Where there is forfeiture of pay for such absence, it shall not constitute a bar to disciplinary action.

Section 4.3A: Employees absent for reasons of bona fide illness or injury, resulting from duty or non-duty causes, who have notified their Command Officer or Supervisor, or have caused them to be notified, are deemed properly absent from duty. The Commanding Officer or Supervisor may request verification of such illness.

Section 4.3B: No Sheriff's Office employee is to leave his/her duty station, district or post without proper authority or justification.

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### **RELEASING INFORMATION**

Section 4.4: Copies of criminal investigations conducted by the Office of the Sheriff Genesee County employees shall be furnished only to the Prosecuting Attorney, the Attorney General, Corporation Counsel, the Juvenile Section of Family Court, parole officers, pre-sentence investigators and the Victim Compensation Board, unless otherwise authorized by the Sheriff.

Section 4.4A: Sheriff's Office employees shall not release confidential information obtained through the course of employment. Sheriff's Office employees are not to intentionally reveal the identity of any employee of the Sheriff's Office engaged in official duty in any manner as to interfere with the proper performance of his/her duty.


Section 4.4B: Information from personnel files may be released only upon approval of the Sheriff or Undersheriff, or pursuant to Michigan law.

### **INDIVIDUAL DEPARTMENT:**

Section 4.5: Office of the Sheriff Genesee County officers shall maintain a level of conduct in their personal and business affairs which is in keeping with the highest standards of the law enforcement profession. Officers will not be participants in any incident involving moral turpitude which impairs their ability to perform as a law enforcement officer or causes the Sheriff's Office to be brought into disrepute or which impairs the efficiency of the Sheriff's Office.

### **OBEDIENCE TO LAW:**

Section 4.6: Office of the Sheriff Genesee County employees shall not knowingly violate any of the laws of the United States, State of Michigan, ordinance of a unit of local government or any order of any court. If such a charge is shown to be factual, the fact that no criminal prosecution was instituted against a Sheriff's Office employee shall not bar Sheriff's Office discipline. Likewise, the fact that the criminal prosecution did take place, regardless of outcome, shall have no bearing on Sheriff's Office discipline procedures which shall be conducted on an independent basis.

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### **UNSATISFACTORY PERFORMANCE:**

Section 4.7: Office of the Sheriff Genesee County employees shall maintain sufficient competency to properly perform their duties and to assume the responsibilities of their positions. Sheriff's Office employees shall perform their duty in a manner which will tend to establish and maintain the highest standards of efficiency in carrying out the functions and objectives of the Sheriff's Office.

Sheriff's Office employees' incompetence may be demonstrated by an unwillingness or inability to perform assigned tasks, unable to conform to work standards established for the employee's rank and position; absence without leave; or unnecessary absence from assigned work area during a tour of duty. In addition to other indications of incompetence, the following will be considered prima facie evidence of incompetence: Repeated poor evaluations or a written record of repeated infractions of rules and regulations, general orders or other directives.


In addition to the above, officers' and corrections officers' incompetence may be demonstrated by a lack of knowledge of the application of the laws required to be enforced; the failure to take appropriate action on the occasion of the crime, disorder or other condition deserving police attention.

### **FINANCIAL OBLIGATIONS:**

Section 4.8: Office of the Sheriff Genesee County employees shall manage their financial affairs in a manner that will not bring discredit to themselves or to the Sheriff's Office.

### **COURTESY:**

Section: 4.9: Office of the Sheriff Genesee County employees shall be courteous in the performance of their duties and shall refrain from using profane or insolent language or gestures regardless of provocation. The expression of any prejudice against a segment of society is prohibited.

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### **CRITICISM:**

Section 4.10: Office of the Sheriff Genesee County employees shall not make public statements through verbal, written or any other form of expression, criticizing or ridiculing the Sheriff's Office, its policies or other employees, when such statement brings the Sheriff's Office into disrepute. Statements which are defamatory, obscene, unlawful or which may impair the operation or efficiency of the Sheriff's Office, interfere with discipline, or which show a reckless disregard for the truth, are likewise prohibited.


### **APPEARANCE:**

Section 4.11: All Sheriff's Office employees shall be neat and clean in person and dress. Uniformed employees' uniforms shall be maintained in a presentable condition at all times with all leather and leather accessories appropriately polished. Any alteration of any uniform must be authorized by the Sheriff or Undersheriff.

Section 4.11A: Neckwear - Neckties are to be worn whenever winter shirts are part of the uniform of the day, unless special orders are issued to modify this rule. Neckties are optional with summer short sleeve shirts. Only neckties approved by the Sheriff's Office will be authorized. Tie bars are to be worn between the fourth and fifth shirt button.

Section 4.11B: Shirts - Winter shirts (long-sleeved) when they are a part of the uniform of the day, will be worn with neckties, unless there has been a special directive specifying modification. The shirt sleeves will be buttoned at the cuff and will not be rolled up or turned under. Pockets and other buttons will be fastened and bulky items or papers shall not be carried in shirt pockets. When summer shirts (short-sleeved) are part of the uniform of the day, they may be worn without neckties. If T-shirts are worn under the short sleeve shirt without a tie, the T-shirt must be white with the Class A uniform and may be white or black when wearing the fatigue uniform.

Section 411C: Name plates will be centered on the right pocket flap of the shirt. Sheriff's Office commendation awards will be centered above the name plate. The shooting badge **will be centered on the left pocket flap and service time badge centered below.** The issued U.S. Flag Emblem will be centered above the nameplate and shall be worn on all Class A Uniforms. Members wearing the fatigue uniform will display the flag emblem immediately above the nametag. Civilian staff may wear the flag emblem in a suitable location on their attire.

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Section 4.11D: Jackets - When jackets are prescribed as the uniform of the day, they must be worn. Pockets will be buttoned or zipped and bulky items or papers will not be kept in jacket pockets. Jackets may be unbuttoned or removed whenever an officer is in a vehicle or inside of a building. No jacket of any type, except those authorized by the Sheriff's Office, will be worn while an officer is in uniform and no officer will be authorized to wear any insignia of the Sheriff's Office on his personal attire unless authorized by the Sheriff or Undersheriff.

Section 411E: Trousers - All uniformed officers will wear the prescribed trousers while in uniform. The trousers shall reach the top of the arch of the shoe with a slight break evident when the officer stands erect. They shall fit at the waist and hips without puckering. Pockets are not to be bulging with keys, books papers, etc. When wearing the fatigue uniform, officers may blouse the pant with combat boots. If the fatigue trouser is bloused, they shall be worn with combat boots and bloused.


Section 411F: Stockings - Socks are to be solid brown or black without any type of design and shall be extended upward past the ankle while in the Sheriff's Office uniform.

Section 411G: Footwear - Shoes or boots must be dark brown or black in color, including the laces and stitching, and must be worn at times while the officer is in the Sheriff's Office uniform. Footwear must have round, moccasin or oval toes and cannot be pointed. Footwear having chrome or shiny buckles will not be worn. Wing tips or other types which do not have a plain or moccasin toe are not to be worn. All footwear will be kept clean and shined. Footwear for inclement weather shall include rubbers or galoshes (buckle or zipper type) and shall be either black or brown in color. Ankle length or higher leather boots will be allowed provided they are kept shined and worn under the trouser leg.

Section 4.11H: Rainwear- Rainwear (coats and jackets) may be of rubber, plastic or nylon and must be black, brown or transparent in color. High visibility rainwear is authorized when officers are at scenes of traffic accidents, disaster sites, etc.

Section 4.11I: The option of wearing the Sheriff's Office uniform to and from work or changing clothes at a Sheriff's Office installation will remain with each individual officer. However, if an officer elects to wear the uniform to and from work, the officer shall wear the complete uniform. Officers changing clothes at the station shall arrive within ample time to change prior to their starting time of their shift. Officers who do not wear the uniform home shall not change clothes prior to the end of their tour of duty.

Section 4.11J: No equipment, other than that designated, supplied or approved by the Office of the Sheriff Genesee County is to be carried or utilized by any officer while on duty.

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Section 4.11K: All employees of the Sheriff's Office, unless exempted by the Sheriff, shall **abide** by the hair standard as set forth in Section 4.11L through 4.11N.

Section 4.11L: Male Hair Styles - Hair must be uniformly trimmed at the temples, on the sides and the back of the head and must conform to the shape of the skull. Hair length on the back of the neck shall not grow below that of an imaginary line extending from one earlobe to the other at the base of the skull. Immoderate hairstyles, including those which interfere with the proper wearing of the uniform cap, are prohibited. Sideburns on male uniformed officers shall be close cropped and vertical sides shall be parallel. No portion of the sideburn shall be lower than the middle of the earlobe. Uniformed personnel are restricted from growing beards or goatees of any description. Neatly trimmed mustaches are allowed, provided the growth doesn't extend below the top of the upper lip, below the corner of the mouth or over one half inch beyond the corners of the mouth.


Section 4.11M: Female Hairstyles - Female employees of the Sheriff's Office and female uniformed employees when on duty, shall maintain moderate hairstyles which will not interfere with the wearing of the uniform cap, with hair not extending below the back of the neck when the employee is standing in a normal position.

Section 4.11N: Plainclothes Hairstyles - Male detectives and other male officers in plainclothes will adhere to the restrictions set forth in Subsection 4.11L on mustaches, beards, hair and sideburns. Plainclothes personnel will dress neatly and appropriately in a shirt and tie and sport coat or suit. The only exception shall be male officers assigned to undercover work where appearance alterations are necessary to fit a role being assumed. Such deviations in appearance and dress shall be authorized by the Captain.

Section 4.11O: Whenever an appearance is made before a court or administrative body as a representative of the Sheriff's Office, the male officer or other male Sheriff's Office employee shall be attired in the uniform of the day, or be neatly dressed in an appropriate shirt and tie and sport coat or suit, or as may be required by the court. A female officer or female Sheriff's Office employee shall be attired in the uniform of the day or in clothing appropriate for such an appearance.

### **UNBECOMING CONDUCT:**

Section 4.12: Officers shall conduct themselves at all times, both on and off duty, in such a manner so as to reflect most favorably on the Sheriff's Office. Conduct unbecoming an officer shall include that which brings the Office of the Sheriff Genesee County into disrepute or reflects discredit upon the officer as an officer of the Sheriff's Office or that which impairs the operation and efficiency of the Sheriff's Office or officer.

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### **USE OF TOBACCO:**

Section 4.13: When in uniform, Sheriff's Office employees may smoke or chew tobacco, as long as (1) it is not offensive to the public, (2) does not violate public law, (3) they are not in a formation and (4) they do not have to leave their assignment or post for the sole purpose of smoking or chewing. Sheriff's Office employees may receive permission to leave their post or assignment to smoke or chew when conditions are deemed appropriate by their superior officer.

### **USE OF INTOXICATING BEVERAGES:**

Section 4.14: Office of the Sheriff Genesee County employees, enlisted or civilian, shall not drink any kind of intoxicating beverages while on duty or in uniform except by special permission provided through channels by Division Commanders and then only when necessary to procure evidence not otherwise obtainable.

Section 4.14A: Drinking alcoholic beverages in any amount that impairs a Sheriff's Office employee's driving ability and then driving a county-owned vehicle is prohibited while the employee is so impaired.


Section 4.14B: Sheriff's Office employees shall not use intoxicants to the extent that any evidence of such consumption is apparent when reporting to regularly assigned duty.

### **POSSESSION OF INTOXICATING BEVERAGES:**

Section 4.15: No Sheriff's Office employee shall consume, bring into, permit, or have in possession in a Sheriff's Office installation or vehicle any intoxicants, except those which are evidence.

### **USE AND POSSESSION OF CONTROLLED SUBSTANCES:**

Section 4.16: Office of the Sheriff Genesee County employees shall not use or possess controlled substances unless they are properly prescribed by a physician or dentist for an injury or illness or when held as evidence and otherwise possessed during official investigations. Possession of controlled substances, when not legally prescribed for the Sheriff's Office employees, or when not being held in connection with a Sheriff's Office investigation which is documented by official Sheriff's Office reports, shall constitute a violation of this Sections.

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### **PHYSICAL CONDITION:**

Section 4.17: All employees of the Sheriff's Office shall keep themselves in such physical condition as will enable them to readily perform any duties customarily assigned. When Sheriff's Office employees' physical conditions are such that they cannot efficiently perform those duties assigned to similar ranks or positions, it is the duty of their Command Officers or Supervisors to notify the Sheriff accordingly.

### **OBEDIENCE TO AUTHORITY:**


Section 4.18: Employees shall willfully observe and obey the lawful verbal and written rules, duties, policies and procedures and practices of the Office of the Sheriff Genesee County. They shall also subordinate their personal preferences and work priorities to the lawful verbal and written rules, duties, policies and procedures and practices of the Sheriff's Office, as well as to the lawful orders and directives of supervisors and superior command personnel of the Sheriff's Office. Employees shall willfully perform all lawful duties and tasks assigned by supervisory and/or superior ranked personnel. Direct, tacit or constructive refusal to do so is insubordination.

Employment is a mutual exchange of interests and benefits between management and its employees. In exchange for the privilege of employment and paid compensation, management has the right to expect employees to willfully perform the duties and tasks of their positions or any other task lawfully assigned and achieve effective and efficient performance results. This includes Paramedic officers as it pertains to the Genesee County Medical Control Authority Protocol book. It is reasonable to expect employees to obey operational directives and the orders of the Sheriff's Office supervisors. When disagreements between management and employees occur, management has the right to expect employees to follow the accepted labor principle of "obey now and grieve later."

Insubordination and insubordinate behavior are recognized by labor practices to be among the most serious offenses. If insubordination is allowed to go unchecked, management loses control and authority over its work force.

### **NON-EXCLUSIONARY LISTING OF VIOLATIONS:**

- Being absent without leave (AWOL) for a scheduled reporting time or from an assigned duty;
- Deliberate defiance of management's legitimate exercise of its rights.

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- Inciting others to react negatively to a lawful management directive or causing disruption of the work force or creating a substantial risk of disrupting the work of another or affecting other's morale.
- Refusal to accept (directly or constructively) management's lawful directives or decisions. Management does not require that the employee agree with management's directives. However, it does require that employees comply.
- Refusing to perform assigned work duties or tasks for the position being held.
- Refusing to perform the assigned work duties or tasks performed by the typical employee in like or similar positions.
- Refusing to report to a place of duty at the designated time and location.
- Refusing to subordinate personal preferences to a supervisor's lawful directives or work instructions.
- Refusing to turn in a report as specifically directed to do so by a supervisor or by a employee in superior ranked position.
- Using the tactic of habitually asking for specific clarification of rules or directives that have the effect of slowing down work or frustrating supervisors or other employees of the work unit.

#### **REPORTING DERELICTION OF DUTY:**

Section 4.19: Office of the Sheriff Genesee County employees shall report to their Commanding Officers or Supervisor violations of these rules and regulations by other employees which they observe or which have been reported to them or of which they have knowledge. If the violator is the employee's immediate supervisor, the employee shall report to the next line supervisor.

#### **COMPLIANCE WITH ALL GENERAL ORDERS:**

Section 4.20: Office of the Sheriff Genesee County employees shall not use their position on or off duty to harass, intimidate, threaten or verbally abuse any segment of the public or individual for personal reasons.

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### **VISITING PROHIBITED ESTABLISHMENTS:**

Section 4.21: Office of the Sheriff Genesee County employees shall not visit, enter or frequent a known or suspected house of prostitution, gambling, narcotic or dope house, illegal drinking establishment or any other establishment, local or state, that is in violation of laws, except in the performance of duty.

### **GAMBLING:**

Section 4.22: Office of the Sheriff Genesee County employees shall not engage in any form of illegal gambling at any time except in performance of duty.

### **DISPUTES:**

Section 4.23: Office of the Sheriff Genesee County employees will not exercise their police power in disputes in their neighborhood or in disputes involving relatives and neighbors, except when circumstances are such that would justify self defense, to prevent injury to another or when a serious offense has been committed.

### **TRUTHFULNESS:**

Section 4.24: Police service is predicated upon honesty. Dishonesty is to be eliminated as it is totally unacceptable and will not be tolerated. On order of the Sheriff or his designee, employees of the Sheriff's Office shall answer truthfully all questions asked of them relative to scope of employment and operations of the Sheriff's Office.

### **FALSIFICATIONS OF RECORDS:**


Section 4.25: Office of the Sheriff Genesee County employees shall not knowingly make or cause to be made any falsification or alteration of official Sheriff's Office reports, records, etc.

### **VERBAL ABUSE:**

Section 4.26: Use of vulgar, abusive, derogatory or profane language with employees of the Sheriff's Office or public is prohibited.

### **NEGLECT OF DUTY:**

Section 4.27: Employees of the Sheriff's Office will provide services to the public in a competent, efficient manner. Service will be rendered to its fullest extent without favor.

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### **DUTY TIME LIMITED TO POLICE FUNCTIONS:**

Section 4.28: Employees shall not read (unless authorized to do so), play games or engage in entertainment while on duty. They shall not engage in activities which would cause them to neglect or be inattentive to duty.

### **SLEEPING ON DUTY:**

Section 4.29: Officers shall remain awake on duty. If unable to do so, they shall report same to their supervisor.

### **REPORTING FOR DUTY:**

Section 4.30: Employees shall report for duty at the time and place required by assignments and orders and be physically and mentally fit to perform their duties. They will be properly equipped to assume their duties. Judicial subpoenas shall constitute an order to appear under this Section.

### **ILLNESS OR INJURY REPORTS:**


Section 4.31: Employees unable to report for duty due to illness or injury shall notify the Sheriff's Office Correction's Sergeant at least one hour prior to commencement of the tour of duty.

### **FICTITIOUS ILLNESS OR INJURY REPORTS:**

Sections 4.32: Employees shall not feign illness or injury, falsely report themselves ill or injured or deceive any official of this Sheriff's Office as to the condition of their health.

### **IDENTIFICATION:**

Section 4.33: Employees shall carry their badges, if issued a badge, and identification cards at all times except when impractical or dangerous to their safety because of an investigation. Employees shall furnish their name and badge number to any person requesting same when acting in an official capacity except when withholding such information is necessary because of certain types of police duties or is authorized by proper authority.

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### **SHERIFF'S OFFICE REPORTS AND ARRESTS:**

Section 4.34: Employees shall submit all necessary reports on time in accordance with established Sheriff's Office procedure. Reports shall be truthful, accurate and complete. Arrest of persons will be promptly reported. Information will not be willfully or intentionally withheld from Sheriff's Office records, reports, etc.

### **PROCESSING PROPERTY AND EVIDENCE:**

Section 4.35: Evidence and/or property which has been discovered, gathered or received in connection with Sheriff's Office responsibilities will be processed in accordance with established Sheriff's Office procedures. Employees shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with or withhold any property found in connection with an investigation or police action, except in accordance with currently established Sheriff's Office procedure. Crime scenes will be protected in accordance with currently established Sheriff's Office procedure.

### **REFUSAL TO WORK:**


Section 4.36: The grievance procedure and compulsory arbitration exists to resolve labor disputes for the Office of the Sheriff Genesee County employees and to prevent the necessity for striking. Employees shall not engage in any strike, work stoppage or work slow down.

### **SOLICITATIONS AND COLLECTING DONATIONS:**

Sections 4.37: While on duty, no Sheriff's Office employee shall solicit subscriptions or collect donations without authorization of the Sheriff.

### **RECORDED COMMUNICATIONS:**

Section 4.38: Office of the Sheriff Genesee County employees shall not use any type of electronic surveillance device to record, transmit or transcribe audio conversations or video images of another employee unless disclosure of the use of such device is made to all employees present at the time of its use. The only exceptions to this policy are recordings which are routinely made and/or monitored as part of daily operations of the Sheriff's office, recordings made pursuant to the authority of a court authorized warrant and recordings made with prior supervisory approval as part of a Sheriff's Office authorized investigation. This regulation applies to on duty activities and off duty activities which have a connection to the employees' employment. Use of any recording device during an investigative interview shall be subject to the above disclosure provision. Employees shall not make or transmit copies of recorded communications for purposes other than those involving official Sheriff's Office business.

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**DISOBEDIENCE AND DISREGARDING RULES AND REGULATIONS:**

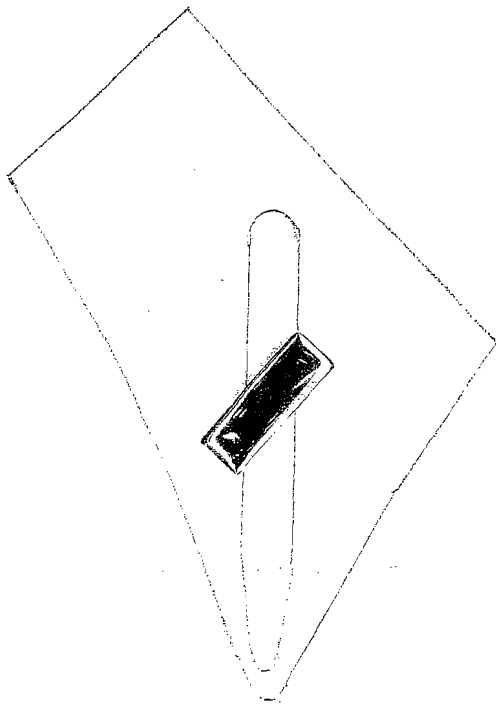
Section 4.39: Willful disobedience or negligent disregard of the Rules and Regulations will not be tolerated.

All previously issued rules, policies and directives not covered in these Rules and Regulations remain in effect.

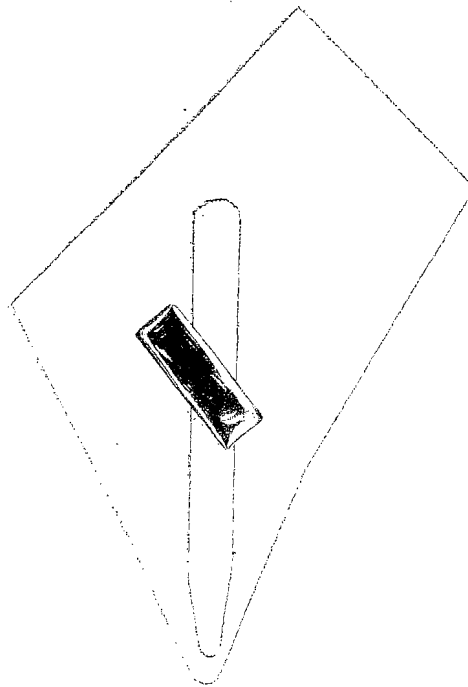
All violations of the Rules and Regulations are subject to penalties of reprimand to discharge depending on attendant circumstances.

ENCLOSURE A

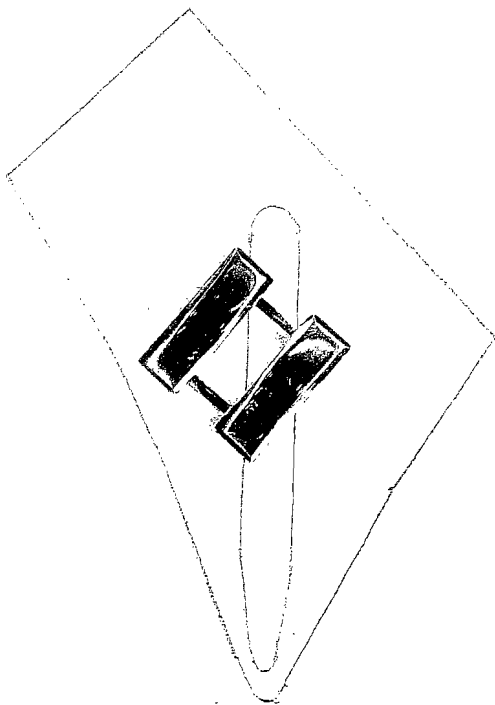
COLLAR BRASS PLACEMENT



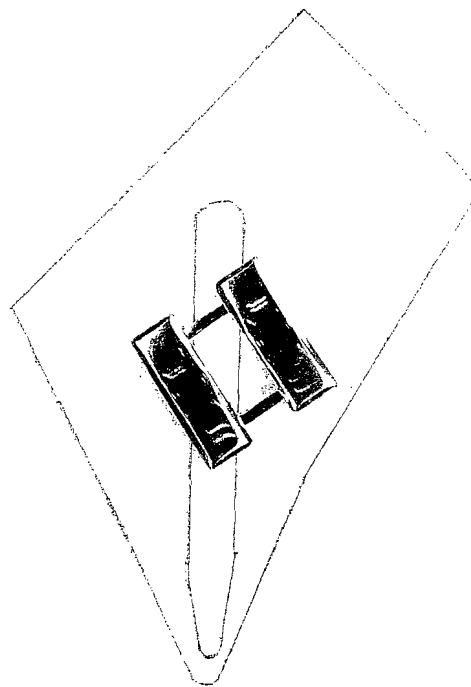
Left Collar Lt.



Right Collar Lt.



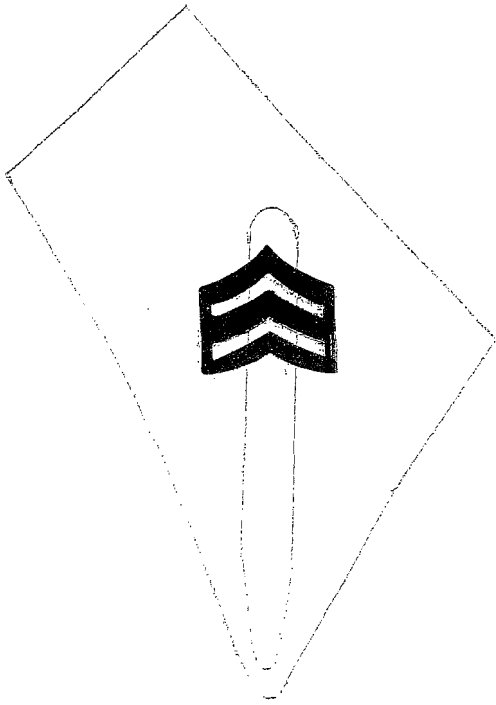
Left Collar Capt.



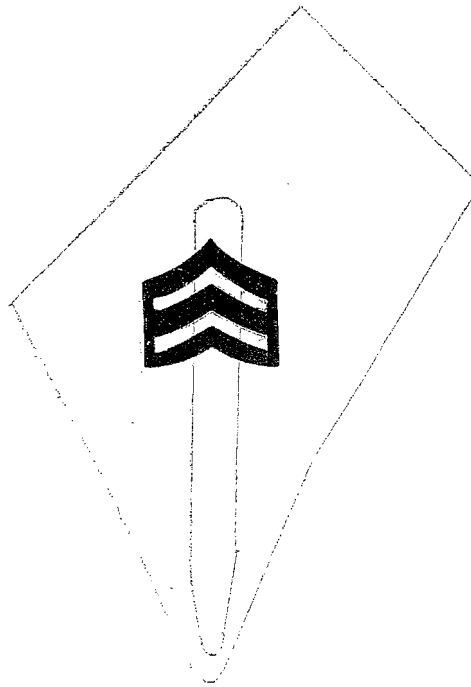
Right Collar Capt.

ENCLOSURE B

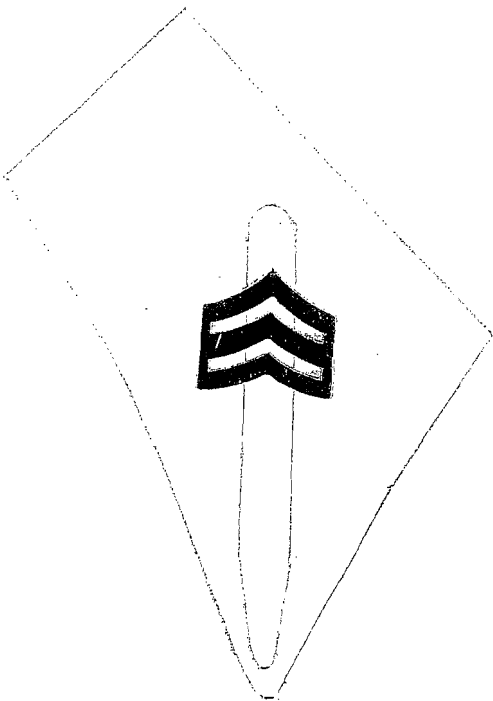
COLLAR BRASS PLACEMENT



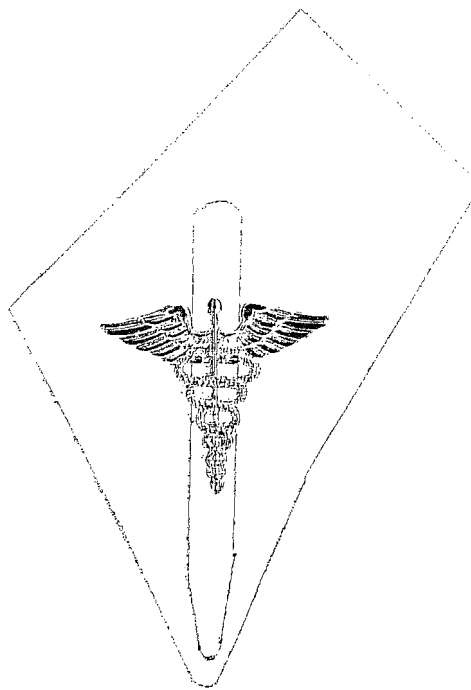
Left Collar Sgt.



Right Collar Sgt.

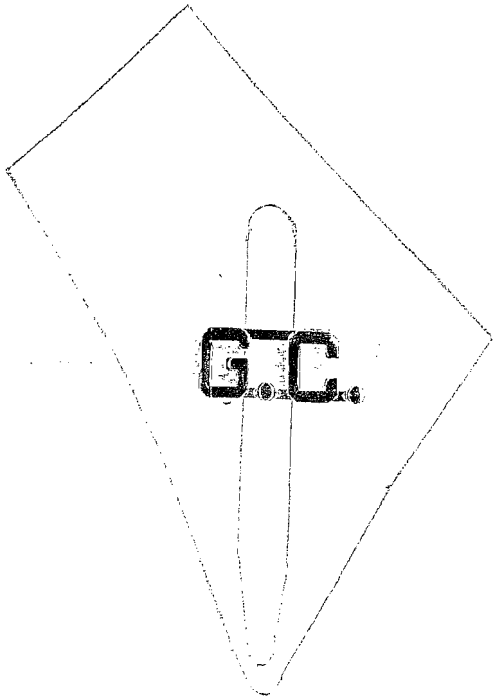


Left Collar Sgt. Paramedic

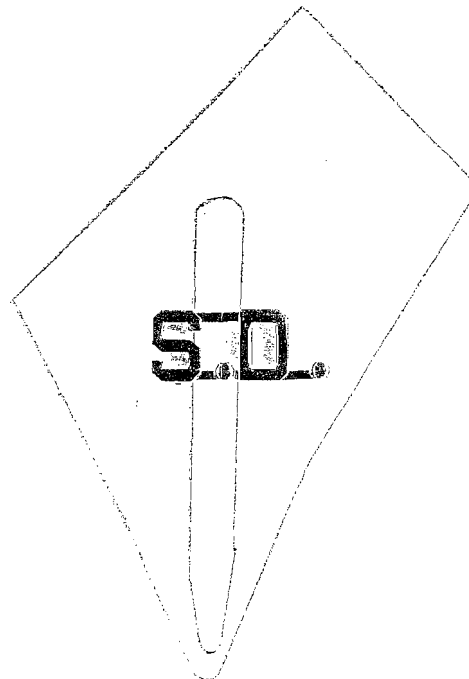


Right Collar Sgt. Paramedic

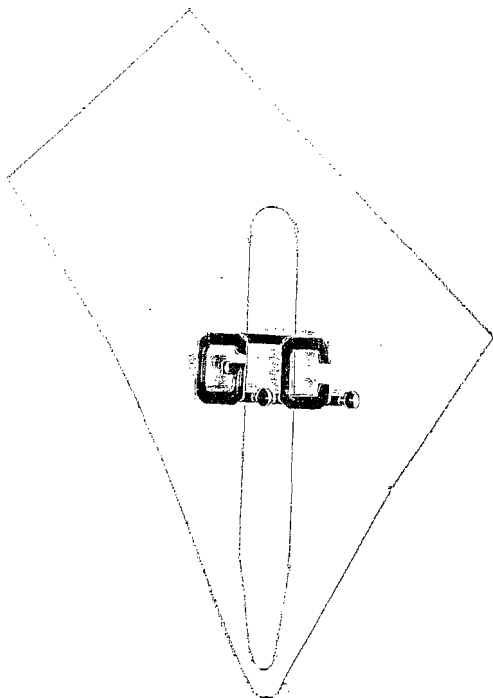
COLLAR BRASS PLACEMENT



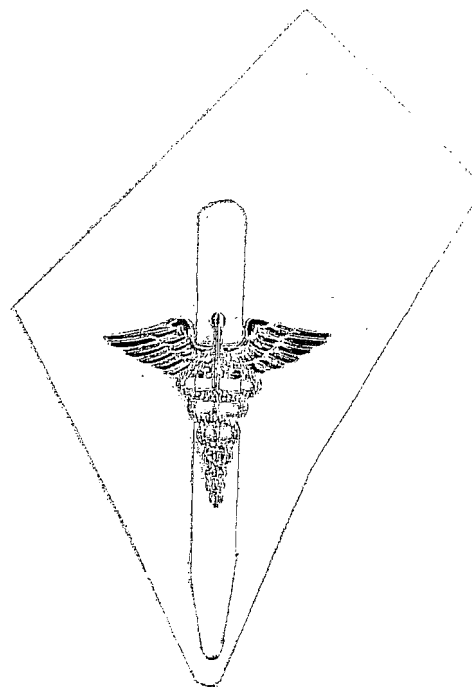
Left Collar Deputy



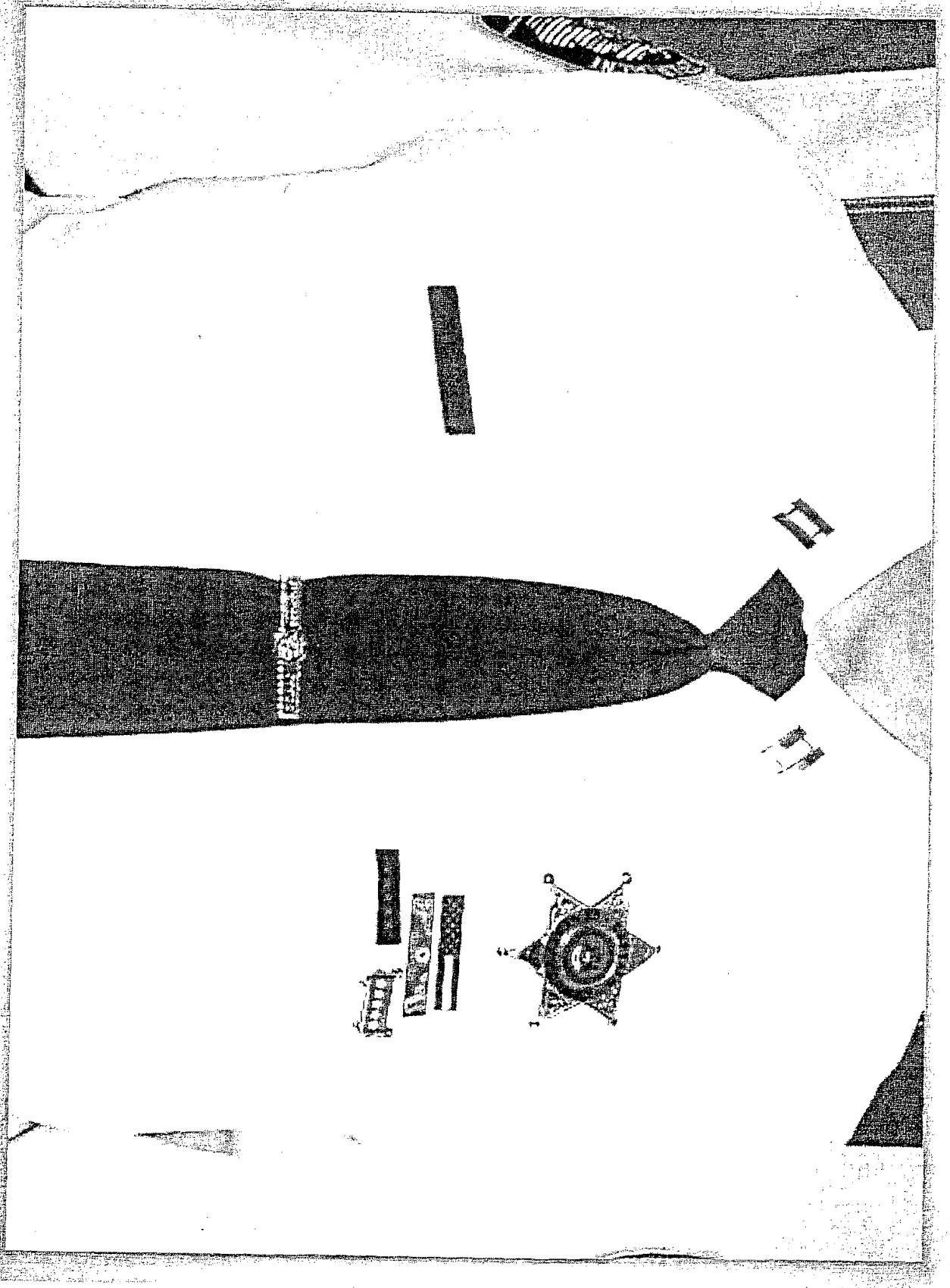
Right Collar Deputy



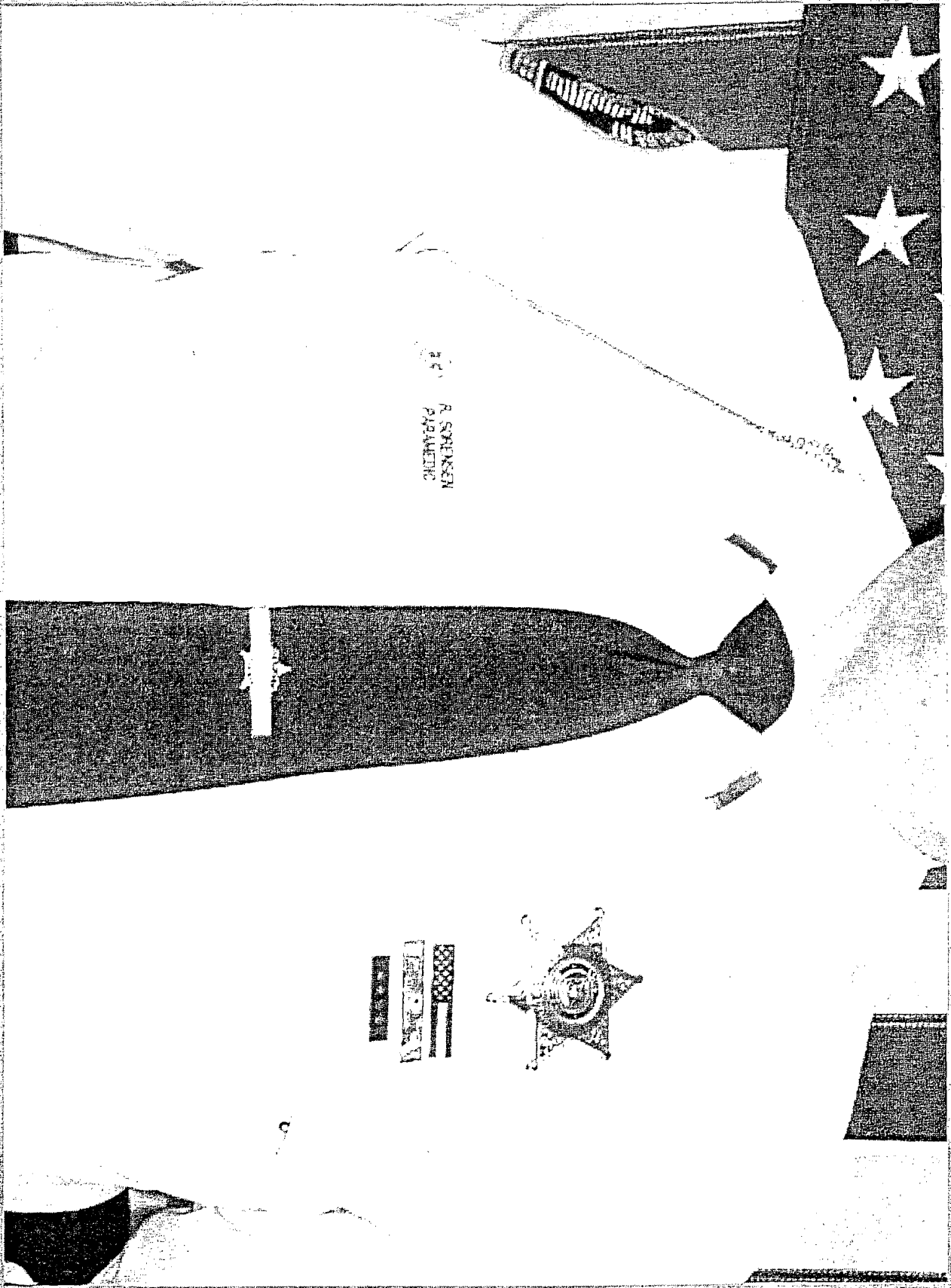
Left Collar Paramedic



Right Collar Paramedic



Captain Rank



Lieutenant Rank

Sergeant Rank






Paramedic Deputy



Deputy Rank

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## **PURPOSE**

The purpose of this policy is to provide guidelines in the use of deadly force and use of firearms. This policy is for the Sheriff's Office use only and does not apply in any criminal or civil proceedings. This policy should not be construed as a creation of higher legal standard of safety or care in any evidentiary sense with respect to third party claims. Violations of this policy will only form the basis for disciplinary actions within the Sheriff's Office.

## **GENERAL POLICY**

The policy of the Office of the Sheriff, Genesee County, is to use the minimum amount of force necessary to effect an arrest and overcome any resistance offered. The Sheriff's Office recognizes that the use of excessive force will only erode the public confidence and support that is essential to effective law enforcement.

The use of excessive force, regardless of provocation, will result in certain and severe disciplinary action.


Each decision to use deadly force must be justified within this policy and the laws of our state and nation. Emphasis should be placed on the planning and the effecting of arrests to provide adequate support and bring maximum pressure on the individual to be arrested and to deny the opportunity/desire to resist or flee. However, when a violent felon initiates action to cause physical harm, there should be no delay in using such force as necessary to bring the person under control.

## **SITUATIONS WHERE DEADLY FORCE IS AUTHORIZED**

The use of deadly force is authorized only under the following conditions:

### **Self Defense or Defense of Another**

Deputies may use deadly force in self-defense or defense of another when he or she reasonably believes there is imminent danger of death or great bodily harm.

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### **Life-threatening Felony**

Deputies may use deadly force to effect an arrest when the deputy has probable cause to believe that a person has committed a life- threatening felony or has escaped from custody after having been arrested for or convicted of committing a life threatening felony. Deadly force shall be used only when all other reasonable efforts to apprehend the suspect have failed, or reasonable efforts cannot succeed without endangering the life of the deputy or any innocent citizen.


Life Threatening felonies are:

1. Murder and attempted murder
2. Armed robbery and attempt armed robbery
3. Arson (Felony) and attempted arson
4. Kidnapping (MCL 750.349-750.349a)
5. Criminal Sexual Conduct involving a weapon.

A deputy shall not use deadly force on a person who is fleeing on **suspicion** alone that such person may have committed a life-threatening felony or solely because a person fails to stop on command or runs a blockade.

### **SITUATION WHEN THE USE OF FIREARMS IS PROHIBITED**

- a) Under no circumstances shall the discharge of a firearm be justified to effect an arrest for a misdemeanor or civil charge, or apprehending a person fleeing from such a charge.
- b) Warning shots shall not be fired.
- c) Shots shall not be fired toward a crowd or gathering of people.
- d) A firearm shall not be used as a club, hammer, pry bar, tool, or for any other purpose other than it was designed for.
- e) A firearm shall not be fired single action, or carried in a “cocked” condition, except for a second and subsequent rounds of an automatic firearm.
- f) Horseplay with a firearm is prohibited.

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- g) Weapons shall not be used for any purpose other than approved range training, performance of duties, or as otherwise provided by law. Sheriff's Office weapons shall not be carried or used for hunting or any other non-law enforcement activity. If a weapon is carried while off duty, see off duty use of firearms.

### **DISPLAY OF FIREARMS**

Firearms may be drawn or displayed only when a deputy is confronted with a potentially life-endangering situation.

### **DEADLY FORCE OTHER THAN FIREARMS**


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

### **SURRENDERING OF FIREARMS**

- a) Deputies should not display or provide any weapon to a citizen to inspect, examine or otherwise handle.
- b) Survival studies have found that in instances where the deputy is being taken hostage or prisoner by an armed felon, surrendering his/her weapon diminishes the deputy's probability of survival. Therefore, deputies shall not surrender their firearms until they have exhausted every possible alternative.

### **OFF-DUTY USE OF FIREARMS**

Deputies are not required to carry weapons off-duty. Deputies who are authorized pursuant to Michigan Law to carry a weapon while off-duty do so at their own discretion. ***However, should a member elect to go armed he/she must carry both badge and deputy identification card. And, when wearing civilian clothes on or off duty, members shall conceal the firearm from public view except at crime scenes when wearing proper Sheriff Department identification.*** All deputies are notified that they are personally responsible for any misuse of a weapon while off-duty and will be disciplined for such misuse.

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### **DESTRUCTION OF ANIMALS**

Animal Control normally handles situations involving stray or injured animals. However, there may be occasions when circumstances require immediate action.

- a) A deputy may fire a weapon to destroy a domestic animal obviously suffering from a serious injury or sickness, after first attempting to locate and receive permission from the animal's owner.
- b) A deputy may fire a weapon to destroy any animal that is obviously mad or vicious and cannot otherwise be prevented from killing or seriously injuring any person or Sheriff's Office tracking dog.
- c) A deputy may fire a weapon to destroy a wild animal that has been injured.


Deputies discharging a firearm at an animal shall ensure the safety of all persons and property.

### **REPORTING THE DISCHARGE OF FIREARMS**

Deputies shall immediately report to their supervisor all incidents involving the discharge of a firearm in the performance of their duty, including destruction of animals, (except participation in a Sheriff's Office shooting program) and all accidental discharges of a firearm. The report shall be made from the scene of the incident. This will permit supervisors to determine if an on-scene investigation is necessary. A detailed report must be submitted as soon as possible after the incident.

### **AUTHORIZED WEAPONS**

Every handgun possessed by a deputy shall be registered in his/her name, except handguns issued by the Sheriff's Office or those seized as a result of an investigation. Deputies may only carry weapons that are pre-approved; the deputy has received Sheriff's Office training on proper and safe usage and qualified with the handguns.

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### **FIREARMS TRAINING**

All certified officers shall participate in all required Sheriff's Office firearms training. Officers who do not score a minimum qualification will be required to work with the range officer until minimum qualification is achieved. The Michigan Commission on Law Enforcement Standards (M.C.O.L.E.S.) has mandatory firearms qualifications as a requirement for law enforcement certification. Failure to qualify with a firearm will result in loss of certification. This includes issued Sheriff's Office firearms, as well as any approved second weapon.

After each shoot, officers may be tested on fatal force laws and procedures. Shooting scores and test scores will be maintained on Weapons Training and Handgun Inspections Records maintained by the range officers. The range instructor and officer shall sign the form after each shoot verifying the training.

Marksmanship ratings are as follows. Badges will be issued accordingly:

Sharpshooter  
 Marksman  
 Expert  
 Master  
 Qualified


### **DEFINITION    Less Than-Lethal Force:**

That amount of force which when used is not intended to result in serious injury or death.

### **SITUATIONS WHERE LESS THAN-LETHAL FORCE IS AUTHORIZED**

Less Than-Lethal force may be used in the following situations or when other alternatives are not available or have failed.

- A.** In self-defense or defense of another person
  
- B.** To effect the arrest of person (s) physically resisting a lawful arrest; attempting to flee from custody; or, when necessary, to prevent the escape or to re-capture one, whom the officer has arrested. In an escape, the officer is allowed to use the degree of force that he/she might lawfully have used to affect the original arrest.
  
- C.** To prevent person from injuring themselves.
- D.** Against animals menacing or attacking officers or other persons.

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Officers shall only use the degree of force they reasonably believe necessary to control a situation.

Factors to be considered in determining the degree of force to be used:

- A. Physical size, strength, and weaponry of the person(s) compared to the officer(s)
- B. Nature of the encounter
- C. Actions of the person(s)
- D. Exigent conditions (i.e., availability of back-up, number of person involved).


**AUTHORIZED LESS THAN- LETHAL WEAPONS**

- A. Chemical Aerosol Spray
- B. Taser
- C. Specialty Impact Munitions (SIMS)

**FOX 2% SPRAY**

FOX 2% O.C. Spray is an effective humane non-lethal alternative weapon system for use by Law Enforcement and Correctional Personnel. The use of O.C. Spray is intended to minimize injury to officer(s) offender(s), and others. It is a weapon and shall be used only where force is reasonably necessary to prevent an unlawful act or quell a disturbance.

- A. FOX 2% O.C. Spray shall be the only authorized chemical spray issued, carried or used by members of the Office of the Sheriff, Genesee County.
  - 1) Each container has a serial number and will be recorded as issued by this number to individual employees. The employee is responsible for this issued equipment.
  - 2) Only serial numbered containers will be used after January 1, 2007.
  - 3) When a container is spent, or is defective, it shall be placed inside a plastic bag and turned in to the appropriate supervisor.
  - 4) FOX 2% O.C. Spray shall be carried in a departmental issued spray container and worn upright on the strong hand side in the front of the gun belt just under the shirt pocket area.


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**B.     USE OF FOX 2% O.C. SPRAY**

- 1)     FOX projectors will be used only after all other reasonable, lesser efforts to control a violent or combative person have failed, and preventing further escalation is necessary. Only the amount of FOX 2% Spray necessary shall be used. Over spraying will not be tolerated.
- 2)     FOX 2% Spray shall not be discharged in the immediate vicinity of infants.
- 3)     In the jail FOX 2% Spray shall only be carried by supervisors and/or designated personnel.
- 4)     Under no circumstances will any person sprayed with O.C. Spray be allowed to lie face down after restraints are in place or subject is subdued.
- 5)     Abuses of this policy will subject the employee to discipline, and/or Criminal Law Violations, depending on the circumstances.

**C.     TREATMENT AND DECONTAMINATION**

- 1)     Once the subject is under control the subject shall be allowed to wash the contaminated area with water and shall be monitored by a staff member.
- 2)     Whenever a subject is sprayed with FOX 2% Spray they shall be examined by medical authorities as soon as possible.
- 3)     When a subject has been sprayed with FOX 2% Spray and the clothing of the subject has been contaminated with the agent, the subject shall be given the opportunity to shower and be issued jail clothing after admission into the jail, or is a current inmate of the facility.
- 4)     The Shift Commander and the Booking Sergeant shall be advised by the Booking Officer of any arrestee who is being admitted and has been sprayed or suspected of being sprayed prior to admission or while lodged in the facility.

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**D.    REPORTING - DISCHARGE OF FOX 2% O.C. SPRAY**

- 1)      Officers shall complete a Use of less than – lethal force form and submit it to their immediate supervisor. A copy shall be forwarded to the Undersheriff through channels.


**E.    Taser**

The taser is an Electronic Control Device that falls into the category of Less Than- Lethal force. This unit uses propelled wires or direct contact to conduct energy to affect the sensory and motor functions of the nervous system.

It shall be the policy to employ only the minimum of necessary force to overcome the resistance offered in order to affect a lawful arrest and/or accomplish its duty of protecting the public.

1.    **Less Than-Lethal Force** – That amount of force which, when used, is not intended to result in serious injury or death.
2.    **M26 Advanced/X-26 Taser** – An Electronic Control Device (ECD) that utilizes a 50,000 volt electrical discharge which disrupts the sensory and motor functions of the nervous system. The deployment of the air cartridges uses compressed nitrogen to project two probes with a maximum range of 30 feet. The probes are attached to the power source by insulated wire leads. The M26/X-26 Taser also features a drive stun mode as an alternative defensive system.
3.    **Air Cartridge** – A single use item that contains two probes, nitrogen filled gas chamber, and insulated wires. It comes in 15 ft yellow doors, 21 ft silver doors, and 35 ft orange doors. It is identified with a serial number and it is tamper resistant.
4.    **Data Port** – The M26/X-26 Taser is designed with the ability to be downloaded to record the usage record for each individual unit. The M-26 records the date and time of each firing. The X-26 records the date, time, duration, and temperature of each firing.

Note: The taser is an additional law enforcement tool and is not intended to replace firearms, or replace other tools or techniques. The taser should be used only when it is appropriate for the present situation. The utilization of a taser is considered use of force and as such its usage must comply with the use of force guidelines. The taser is equivalent to the use of O.C. spray on the use of force continuum. The taser is not meant to be used in deadly force situations. The taser

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should not be used without a firearm back up in those situations where there is a substantial threat present.

**F.     Taser Guidelines:**

1. Prior to being authorized to deploy the taser in the field, the officer must be certified as an end user by taser certified instructors. This training shall consist of a minimum of six hours of instruction with the successful completion of a written exam and proficiency exam. In addition, the officer must attend in-service training every two years to remain certified.
2. Officers qualified to carry and use the taser will have to sign out the weapon at the beginning of their shift. The officer will be given a taser, and a holster. The officer will document the taser's serial number and the serial number of the cartridges. A list of certified officers will be maintained by the Law Enforcement Captain. Only officers on the list shall be allowed to check out a taser.
3. Officers will then attach the holster to their duty belt on the side opposite their duty gun. This forces the officer to "cross draw" the weapon to help eliminate any possibility of drawing the wrong weapon.
4. In order to test the weapon, the officer shall first remove the air cartridge, push the safety switch to an upward position: The M-26, must be spark checked at the beginning of each shift. The time of the spark check must be recorded in the daily log assigned to the unit. The X-26, must be sparked checked once during a 24-hour period. The time of the spark check must be recorded in the daily log assigned to the unit. If no spark check is indicated, the % of battery life must be recorded in the daily log. All taser deployments must have an accompanied written report by the deploying officer.
5. At the end of each shift, the taser and holster shall be returned and signed back in on the daily log. Tasers are not to be taken home.

**A.     Totality of Circumstances Regarding the Use of Force**


- Officers must always consider the totality of the circumstances when deciding what would be reasonable amount of force. Some of the factors to consider include:
- Any known of obvious medical condition or disability
- Officer/Subject size disparity
- Officer/Subject strength disparity
- Officer/Subject skill disparity

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- Officer/Subject age disparity
- Subject's age
- Officer's perception of the subject's willingness to resist
- Officer's perception of the immediate threat to the subject, officers or others
- Suspect's criminal/violent history if known by the officer
- Officer's location in a hostile environment
- Officer's perception of the subject being under the influence of central nervous system stimulants and other narcotic/alcohol that affect pain tolerance and violence

**B.    Deployment Considerations**

1. The decision to use the taser must be made dependent on the actions of the subject(s) or the threat facing the officer (s) or others, and/or the totality of the circumstances surrounding the incident. The use of the taser must be reasonable and necessary.
2. If an officer is not in uniform or clearly bearing official title he/she authorized to use the taser after clearly displaying a physical presence and thus identify himself as a police officer by showing identification.
3. Prior to the use of the taser, the officer should give verbal warnings and verbal commands to the subject, pursuant to the Use of Force if the situation allows. Verbal warnings and commands would not be necessary if reaction time was of the essence to officer safety or the safety of others. A suspect failing to comply and showing no intention of compliance to an officer's official, lawful instructions may be incapacitated by the use of the taser.
4. The use of this weapon should, in most cases, eliminate the need for actual hands-on active countermeasures and the possibility of an officer or suspect injury. Officers may utilize soft empty hand control tactics prior to the use of the taser based upon the totality of the circumstances. The officer is not required to attempt soft empty hand control tactics if the officer believes they would be ineffective and/or the officer believes the use of the taser would reduce the likelihood or possibility of more serious injuries to the subject, the officer or third parties.
5. The taser may also be utilized on suspects, previously under control by the use of the taser or other means, during the arrest, post arrest and/or booking process, whose behavior warrants the use of the taser to bring the subject under control.

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**C.     Limitations on the Use of the Taser**


OFFICERS SHOULD NOT USE THE TASER IN THE FOLLOWING SITUATIONS, HOWEVER, OFFICERS MAY USE DISCRETION BASED ON THE TOTALITY OF THE CIRCUMSTANCES:

- a. Any subject who is saturated with or in the presence of highly flammable or combustible materials and liquids to include O/C spray.
- b. Any known or obvious pregnant female
- c. Proper consideration and care should be taken when deploying the taser on subjects who are in an elevated position or in other circumstances where a fall may cause substantial injury or death.
- d. The facial area of the head, neck or groin.
- e. Passive resistance, meaning the subject resists control through passive, physical actions. Example: Passive Resistance is usually in the form of a relaxed or “dead weight” posture intended to make the officer lift, pull or muscle the subject to establish control, as in a sit-down strike.

**The taser will never be used as a means of punishment. The taser is a weapon and shall be treated as such with the same respect given to firearms safety. Horseplay of any type is forbidden. Violations of this policy will be considered serious infractions, which will result in disciplinary actions, up to and including discharge, and not to exclude the possibility of criminal prosecution if the situation warrants.**

**D.     Deployment of Taser**

- a. When fired, the taser emits a sound similar to small caliber gunfire; although it is significantly lower in volume. Thus, to reduce the likelihood of an accidental discharge from a back-up officer due to a “sympathetic fire response,” the officer deploying the taser should take appropriate steps to insure safety. **Anytime the taser is to be deployed in a tactical setting, the officer using the taser shall announce, if feasible, that he/she is about to deploy by saying “Taser, Taser” in a loud clear and audible tone, so that the other officers will be aware that the shot is from the taser and not a firearm.**
- b. Center mass of the body, particularly center mass of the back, should be the primary target area, as clothing tends to be tighter on this part of the body. The head and face should not be targeted unless the appropriate level of force can be


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justified. It is to be used as a way of averting a potentially injurious or dangerous situation. Experience has shown that the taser has a very low potential for injury.

- c. The taser has an effective range of three (3) to nineteen (19) feet with the 21-foot duty cartridge. Range less than three (3) feet may not provide the adequate distribution of the probes to allow the unit to function properly.

**E. Post Deployment of Taser**

- a. Immediate action should be taken to care for the subject, to apprehend any suspects and to protect the scene.
- b. Once the subject is restrained or has complied, the taser should be turned off (safety on).
- c. The taser will not be left unattended except in exigent circumstances as when an officer is forced to act alone in taking custody of an immediate threat.
- d. If working, a supervisor shall respond to the scene where the taser was deployed.
- e. If the Air Cartridge was deployed, remove the taser darts at the earliest opportunity by only a taser certified officer or qualified medical personnel. If the probes are stuck in the facial area, soft tissue around the neck, genital area or breast of females, only qualified medical personnel shall remove them.
- f. Officers will provide first aid following removal of the probes by applying iodine or alcohol wipes, and Band-Aids to the probe sites as needed. Officers shall inspect the probes after removal to ensure that the entire probe and probe barb has been removed. In the event that the probe, or probe barb has broken off and it is still embedded in a subject's skin, the subject shall be provided appropriate medical attention to facilitate the removal of the object. The taser probes removed from the suspect's body shall be considered a biological hazard. Officers shall wear protective latex gloves when removing and handling the discharged probes.
- g. The officer discharging the weapon shall be responsible for collecting the spent cartridge, probes, wires, and AFID tags and placing them into evidence.
- h. The officer shall visually examine the area struck to determine if an injury was sustained. Photographs of the probe entry sights on the subject shall be taken.
- i. If the exam or other circumstances dictate the subject needs further medical treatment, the subject will be transported to a medical facility. Medical treatment will not be refused to anyone who requests it.
- j. Consent should be obtained from the subject if removal of clothing is required to accurately photograph the injury.
- k. Jail personnel shall be informed that the subject was controlled by the use of the taser. If the subject is transferred to another agency, that agency will also be

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notified. Notification entries will be made on the arresting officer's report, including the name of the officer or deputy notified.

## **F. Reporting Procedures**


1. The Officer who has discharged the taser shall record the facts and circumstances on the incident report, and complete the Use of Force Form (See Attachment A).
2. The Use of Force Form shall also be completed upon discharge of a Taser, and shall be reviewed by the Supervisor for completeness.
3. Photographs shall be taken, if possible, of the probe impact sites if the skins has been penetrated, except when the impact site is the breast or genital area of a female or groin area of a male. The photographs will be submitted into evidence.

## **G. Maintenance and Care**

1. Always replace air cartridges by their expiration date. The expired air cartridges will be used for training purposes only.
2. To check that the units are functioning properly, the follow procedures should be followed:
  - a. The M-26 must be checked at the beginning of each shift. After verifying that the air cartridge has been removed, pull the trigger for 1 second to perform a spark check. If the spark appears ok, then place the unit into service. If the spark appears low, replace with a new battery pack and perform an additional spark check to confirm proper function. Repeat this process until the unit shows a good spark. Record all test firings in the daily log.
  - b. The X-26 must be spark checked once within a 24-hour period. However, each shift must check each unit at the beginning of their shift by reading and recording the amount of battery life indicated on the CID located on the rear of the unit.

**Note: ANY TIME THE TRIGGER IS PULLED (EXCEPT TRAINING) A REPORT SHALL BE WRITTEN BY THE OFFICER.**

3. Only properly functioning and charged tasers shall be carried on duty.
4. Do not store the taser near flammable liquids or fumes.
5. Do not place the air cartridges near any source of static electricity.
6. The Training Division Sergeant shall:
  - Receive, inspect and ensure the maintenance and replacement of the devices assigned to Departmental personnel.
  - Establish and maintain systems to record issuance of the taser and air cartridges. Serial numbers shall be recorded.

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- Maintain an adequate supply of batteries and air cartridges.
- Return defective or damaged taser devices and cartridges to Michigan Taser Distributing.
- Obtain service and/or replacement for defective or damaged components from Michigan Taser Distributing
- When an officer sees that the percentage of battery life is down to 20%, they will place the weapon out of service and forward it to their supervisor.

Taser usage shall be permitted within the Correctional Division of the Genesee County Sheriff's Office. General Order #2 – Use of Force Policy and Procedures Guidelines shall apply to all use of force situations. The Taser is a defensive weapon approved by the agency that transmits electrical pulses to override the central nervous system and control the skeletal muscles. No other device of similar design, construction or use shall be permitted or used by Sheriff's Office Employees.

Within the Genesee County Jail/Annex, the use of the Taser shall be authorized by any Shift Commander/Sergeant on duty.

The Supervisor shall have the key to the lock box immediately accessible on his/her person or in an immediately assessable secure location. In the event of a potentially volatile situation or when dealing with a high risk inmate, the Supervisor may choose to carry the Taser on his/her person. Once the situation has been dealt with, the Taser shall be immediately returned to the appropriate lock box. One key for each lock box shall be kept on a master key ring in Central Control.


Lock boxes are installed at the following locations a Taser is assigned to these locations:

**Main Jail**  
Sergeant's Office  
Riot Gear Room

**Annex**

The Supervisor shall log in the logbook at the beginning of each shift that the Taser is operable and LOCKED in the lock box. **At no time** shall a Taser be left in a drawer, on a desk or in any other unsecured manner. The Shift Commander shall be notified immediately if the Taser is inoperable or missing from the lock box. The Shift Commander shall refer to the *Use of Force Policy and Procedures Maintenance & Care* if the Taser is found inoperable.

If the Supervisor is going to leave their assigned area they shall leave the Taser lock box in an accessible secure location (i.e.; locked in the office, within the control booth) or left with another Supervisor assigned to the same area.

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Unless there are exigent circumstances, the Command Officer (Sergeant or above) of the area shall be notified prior to all deployment of any Taser. Occasionally exigent circumstances will dictate the use of the Taser and immediate notification will not be possible. In all cases the Commanding Officer shall be notified immediately once control has been regained and will report to the area.

All deployments of the Taser shall require an Incident Report to be generated, along with a Use less than-lethal force form attachment A.

### **SPECIALITY IMPACT MUNITIONS (SIMS)**

#### **CONSIDERATION FOR SPECIALTY IMPACT MUNITIONS (SIMS)**

##### Target Picture

1. Aiming Point – The closer you are, the lower the aiming point. As the level of threat rises, the barrel rises.

**a.** Primary Target Area – the target area consisting of large muscle groups.

(1) Buttocks

(2) Thigh

**b.** Secondary Target Area – the target area consisting of skeletal and medium muscle groups.

(1) Muscle area – preferred


(a) Shoulder, biceps, triceps, and forearm area

(b) Lower abdominal area

(c) Calf

(2) Skeletal areas – may result in fractures

(a) Wrist

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(b) Elbows

(c) Knee

**Last Resort Target Area** – the target area when maximum effectiveness is desired to meet a level of threat escalating to deadly force justification.

1. Chest (center mass)
  2. Solar –plexus
  3. Groin
  4. Spine
  5. Lower back
2. Areas such as the head, neck, spine and groin life support organs susceptible to damage from impact offer the greatest potential for serious bodily injury or death and should be AVOIDED unless it is the intent to deliver deadly force.
  3. Shots to “center mass” provide for the highest probability of causing immediate incapacitation, but also have the highest potential to cause serious injury or death.

**Deployment Reporting**

- A) SIMS should never be solely relied upon when an officer’s safety may be in jeopardy.
- B) When SIMS is deployed, it shall be documented in a written police report as well as the “Use of Force” information sheet Attachment (A).



ATTACHMENT A

# OFFICE of the SHERIFF

## Genesee County

USE LESS THAN-LETHAL FORCE Rev 6-7-07

(Original to Undersheriff James S. Gage)

DATE: \_\_\_\_\_ COMPLAINT # \_\_\_\_\_

TYPE OF INCIDENT: \_\_\_\_\_

TYPE OF FORCE USED: \_\_\_\_\_

### SUBJECT INFORMATION

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

SEX: \_\_\_\_\_ RACE: \_\_\_\_\_ DOB: \_\_\_\_\_ HEIGHT \_\_\_\_\_ WEIGHT: \_\_\_\_\_

SUBJECT'S ACTIONS: \_\_\_\_\_

OFFICER(S) ACTIONS: \_\_\_\_\_

WAS SUBJECT DECONTAMINATED? (Explain Method) \_\_\_\_\_

WAS SUBJECT RESTRAINED? (By Who/How Explain) \_\_\_\_\_

SUBJECT INJURY: \_\_\_\_\_


OFFICER INJURY: \_\_\_\_\_

MEDICAL TREATMENTS: \_\_\_\_\_

REPORTING OFFICER: \_\_\_\_\_ DATE: \_\_\_\_\_

INVESTIGATING SHIFT COMMANDER: \_\_\_\_\_

ATTACH COPIES OF NARRATIVE REPORTS FROM ALL WITNESSES AND/OR DEFENDANTS.

	<div>Office of the Sheriff Genesee County</div> <div>Policies and Procedures</div>	<div>General Order</div> <div>3</div> <div>Page 1 of 8</div>
Title: VEHICLE PURSUIT POLICY		Date: 4/21/99

## **POLICY**

The primary mission of the Office of the Sheriff, Genesee County, is the protection of life and property through enforcement of the law. Police deputies must seek out and apprehend those individuals who violate our laws. Offenders will occasionally resist apprehension by fleeing in a motor vehicle. Police deputies may be required to engage in pursuit driving under authority vested in them by law.

Vehicle pursuit situations are hazardous and may be associated with a high risk to police officers and the public. The Office of the Sheriff, Genesee County, places the highest value on human life and it is expected that police deputies use good judgment, being more concerned with protecting the public than “winning” the encounter. It is better to either delay the arrest or abandon the pursuit than to needlessly injure or kill innocent people, including our own members. Deputies must understand that the discontinuance of a motor vehicle pursuit is sometimes the most prudent and professional course of action, which does not signify a lack of courage.

## **PURPOSE**

The purpose of this General Order is to provide guidelines for sworn deputies decision making process during motor vehicle pursuits. This General Order is for internal use only and is not intended to increase an officer’s criminal or civil liability in any way. It should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense, with respect to the third party claims, the only legal duty of care is that which is impose by law. Noncompliance with the provisions of this General Order can only constitute a breach of an employment duty, except insofar as such noncompliance is also a contravention of the laws of the State of Michigan. Violation of this General Order can only form a basis for disciplinary action within the Sheriff’s Office.

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## **DEFINITION**

**A. Vehicle Pursuit:** An active attempt by a sworn deputy in an authorized emergency vehicle to apprehend fleeing suspects, who are attempting to avoid apprehension through speed or evasive tactics.

**B. Emergency Vehicle:** Any Sheriff's Office vehicle equipped with either roof mounted emergency lighting or front and rear mounted emergency lighting and a siren.

**C. Total Roadblock:** The physical blockage of the entire roadway using department emergency vehicles or equipment.

**D. Partial Roadblock:** The physical blockage of a portion of the roadway, using department emergency vehicles or equipment. This includes boxing in or rolling stop maneuvers.

## **AUTHORITY**

### **A. Michigan Vehicle code pursuit of criminal, fire Apparatus, Ambulance. (MSA 9.2332)**

Sec. 257.632. The speed limitation set forth in this chapter shall not apply to vehicles when operated with due regard for safety under the directions of the police when traveling in emergencies or in the chase or apprehension of violators of the law or of persons charged with or suspected of a violation, nor to fire department or fire patrol vehicles when traveling in response to a fire alarm, nor to public or private ambulances when traveling in emergencies. This exemption shall apply only when the driver of the vehicle, while in motion, sounds an audible signal by bell, siren or exhaust whistle as may be reasonably necessary or when the vehicle is equipped with at least one lighted lamp displaying a flashing, oscillating or rotating red and blue light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicles, unless the nature of the mission requires that a law enforcement officer travel without giving warning to suspected law violators. This exemption shall not, however, protect the driver of the vehicle from the consequences of a reckless disregard of the safety of others (Am. 1976 Act 164)

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## **B. Emergency vehicle operation**

Sec. 257.603 Governs traffic Regulations; Government vehicles, authorized emergency vehicles, workers upon surface highways (MSA 9.2303).


Section 257.603(a) The provisions of this chapter applicable to the drivers of vehicles upon the highway shall apply to drivers of all vehicles owned or operated by the United States, this State, or a county, city, town district or any other political subdivision of the State, subject to the specific expectations as are set forth in this chapter with reference to the authorized emergency vehicles.

Section 257.603(b) The driver of an authorized vehicle when responding to an emergency call, but not while returning from an emergency call, may exercise the privileges set forth in this section, subject to the conditions of this section.

Section 257.603(c) The driver of an authorized emergency vehicle may:

1. Park or stand, irrespective of the provisions of this act (Motor Vehicle Code)
2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for the safe operation.
3. Exceed the prima facie speed limits so long as he/she does not endanger life or property.
4. Disregard regulations governing directions of movement or turning in specified direction, so long as it may not endanger life or property.

Section 257.603(d) The exemptions granted in this sections to an authorized emergency vehicle shall apply only when the driver of the vehicle, while in motion, sounds an audible signal by bell, siren, air horn or exhaust whistle as may be reasonably necessary, except as provided in subsection (e), and when the vehicle is equipped with at least one lighted lamp displaying red or blue lighted lamp displaying a flashing oscillating or rotating red or blue light visible under normal atmospheric conditions from a distance of 500 feet in a 460 degree arc, except where it is deemed advisable not to equip a police vehicle operating as an authorized emergency vehicle with atmospheric conditions from a distance of 500 feet to the front of the vehicle. Only police vehicles which are publicly owned shall be equipped with a flashing, oscillating or rotating blue light, which when activated, shall be visible under normal atmospheric conditions from a distance of 500 feet.

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Section 257.603(e) A police vehicle shall retain the exemptions granted in this section to an authorized emergency vehicle without sounding an audible signal if the police vehicle is engaged in an emergency run where silence is required.

### **C. Office of the Sheriff, Genesee County, Vehicle Pursuit Policy.**

#### **PROCEDURES**

##### Vehicle Pursuit Considerations

**A:** The decision to pursue must be reasonable.


Each pursuit will be judged and potentially litigated based upon whether the department's and the deputies' actions were not only within their legal authority, but with regard to its reasonableness.

##### Considerations:

- The seriousness of the offense for which the suspect was wanted initially. Whether there were life threatening circumstances and whether there was a felony or misdemeanor involved.
- Reasonableness of the deputies' actions with regard to the consideration contained herein, and his/her decision to continue the pursuit.
- Reasonableness of the tactics employed by the deputy in the course of the pursuit.
- The outcome: Pursuits that result in serious injury or death will be closely examined by the Sheriff's Office and within the criminal justice system with questions towards our responsibility for the protection of life and property raised in relation to the outcome of the pursuit.

**B.** Each deputy must use judgment that is professional in nature and not predicated on any level of personal challenge. The situation must be evaluated as it develops to ensure that the risks in relation to the possible outcomes are reasonable. The deputy must consider the seriousness of the offense in relationship to the risk to himself, the public and the suspect.

**C.** The Office of the Sheriff, Genesee County, recognizes that pursuits represent a fluid, tactical situation during which conditions are rapidly changing, causing the


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deputies involved to be constantly re-evaluating the following factors and taking appropriate action accordingly.

1. Nature of the offense(s)
2. Vehicular and pedestrian traffic
3. Location of pursuit. i.e. residential, business, expressway, etc.
4. Time of day
5. Road and weather conditions
6. Vehicle speeds
7. Vehicle and driver capabilities
8. Familiarity with the offender, i.e. knowledge or identity of suspect or suspects
9. Familiarity of the area in which the pursuit is occurring.

### **PURSUIT OPERATIONAL PROCEDURES**

1. Deputies shall activate and continuously operate the emergency lights and siren, as may be reasonably necessary on the emergency vehicle until the pursuit is concluded. The on-duty sergeant shall be advised that a pursuit is in progress as soon as possible. In the absence of the sergeant, the lieutenant shall be advised.
2. A maximum of two police vehicles may be actively involved in the actual pursuit, the primary and secondary units, unless additional units are specifically authorized by a command officer.
  - a. The Sheriff unit initiating the pursuit shall normally be designated as the primary unit.
  - b. The Sheriff or police unit in the closest strategic location shall normally be designated as the secondary unit.
3. The primary deputies shall notify the dispatcher as to the reason for the pursuit, the location, the direction and the suspect vehicle description as soon as practical. The primary unit, as practical, shall update the dispatcher as to any changes that occur during the pursuit.
4. Only the primary and secondary units shall pursue a fleeing suspect vehicle. Deputies assigned as the secondary unit in a pursuit shall notify the dispatcher as soon as practical, upon fully engaging in the pursuit, and they shall not pass the primary unit unless requested to do so.

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5. A police sergeant and/or a police command officer, (lieutenant or above) shall monitor all pursuit related activities until its conclusion.

### **TERMINATION OF PURSUIT**

Deputies shall terminate the pursuit for the following reasons:

1. Whenever the deputy reasonably believes that the risk to himself, the eluder and others outweighs the benefit of apprehension, or when ordered to terminate the pursuit by a command officer.
2. Whenever environmental, road or traffic conditions indicate the futility of the pursuit.
3. When the offender's identity is known and the offense is not life threatening.
4. When information is available that the driver of the fleeing vehicle is a juvenile and the offense is not life threatening.
5. When a traffic accident is observed during the course of the pursuit and there is no other unit available to render emergency medical aid (police, fire, ambulance)


### **SUPERVISOR'S RESPONSIBILITY**

The police supervisor shall thoughtfully monitor the pursuit, evaluating the risks in view of all of the known risk factors.

The police supervisor shall order termination of the pursuit if in his/her judgment the necessity for apprehension is outweighed by the level of threat being created by the continuation of the pursuit.

### **PURSUIT INITIATED BY AN OUTSIDE AGENCY**

When a pursuit is initiated by another police agency, the initiating unit and agency remain responsible for the progress and conduct of the pursuit.

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Sheriff's personnel and vehicles shall become actively involved in any such pursuit only when circumstances warrant. This order shall govern the conduct of this agency's personnel and actions once committed.

If the pursued vehicle leaves Genesee County, all Sheriff's Office police units will abandon the chase, unless they have assumed the primary or back-up role.

### **GENESEE COUNTY PERSONNEL ASSIGNED TO OUTSIDE AGENCIES**

Genesee County Sheriff personnel assigned to other law enforcement agencies shall be guided by this order.

### **PARTIAL ROADBLOCKS**

Partial roadblocks may be utilized only when approved by a command officer. This may be done only to apprehend a fleeing felon who has committed a life threatening felony or when the fleeing vehicle is a direct threat to the public. The command officer must believe that the potential threat to the public is greater if the pursuit continues than the danger created by the partial roadblock before approval is given. Rolling stops and boxing in procedures shall be considered subject to the partial roadblock policy.

In the event that a partial roadblock is authorized, it shall be undertaken at a location that offers minimal potential for injury to the deputies, eluders or others.


### **TOTAL ROADBLOCKS**

Total roadblocks may be established to keep the public from an area where a pursuit is in progress. Used as a safety procedure to prevent other motorists from getting in the path of the fleeing vehicle, this procedure may be initiated without supervision.

### **USE OF TIRE DEFLATION DEVICES**

A. No officers shall deploy a controlled tire deflation device unless all of the following criteria are met:

1. Prior authorization from a Command Officer
2. The officer has been trained in the use of the controlled tire deflation device as established by the Sheriff's Office.

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3. The pursuing officer(s) will be made aware of and acknowledge the intended use of the controlled deflation device. Additional information shall include location and any lane restrictions established.
4. The deploying officer stays with and collects the device as soon as practical to avoid unintended second party vehicle damage.

### **INTENTIONAL COLLISIONS WITH FLEEING VEHICLES**

The use of intentional collisions, ramming and/or forcing a vehicle from the roadway to terminate a pursuit is prohibited unless the circumstances warrant the use of deadly force.


Intentional collisions to terminate a pursuit shall be authorized by a command officer before this tactic is utilized. In the event an intentional collision is authorized, it shall only be undertaken at a location that has a minimal potential for injury to deputies, the fleeing suspect and others.

### **USE OF FIREARMS DURING PURSUITS**

Deputies shall not discharge firearms from a moving vehicle at a suspect vehicle. The policy on deadly force also applies.


### **USE OF UNMARKED SHERIFF'S OFFICE VEHICLES DURING PURSUIT**

Officers operating unmarked vehicles, not equipped with requisite emergency equipment, shall request the assistance of a marked or semi-marked unit to initiate pursuit of a vehicle. The deputies should attempt to keep the suspect vehicle under observation, if this can be accomplished in a safe manner, until a properly equipped police vehicle engages in the pursuit. The deputies in the unmarked vehicles should then proceed to the pursuit's termination point, using normal driving precautions.

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## **DEFINITION**

The Law Enforcement Information Network (LEIN) is the police computer system that allows police agencies in the State of Michigan to access various types and sources of law enforcement related information and to communicate directly with other police agencies. The LEIN computer, itself, contains all Michigan warrant, missing person, sex offender registration, stolen, abandoned, and impounded vehicle information. In addition, it allows police agencies access to the Secretary of State (SOS) computer, the National Crime Information Center (NCIC), the National Law Enforcement Telecommunications System (NLETS), the Corrections Management Information System (CMIS), the Michigan Criminal History Record (CHR) system, and the Interstate Identification Index (III).

## **DIRECTIVE**

Effective July 1, 1998, MCL28.214 Section 4 makes it a crime to “disclose information from the Law Enforcement Information Network to a private entity for any purpose...” and to “disclose information from the Law Enforcement Information Network in a manner that is not authorized by law or rule.” This law is construed to mean that anyone who gives LEIN information to a person or agency not entitled to receive it or any criminal justice employee who uses LEIN information for personal use is now guilty of a crime.

## **PENALTIES**

### **MCL28.214, Section 4**

1st offense - 90 day/\$500 misdemeanor

2nd offense - 4 year/\$2000 felony

The LEIN Policy Council can immediately suspend the furnishing of any LEIN information to an agency that violates any rule, policy, or procedure adopted by the LEIN Policy Council or any state or federal law.

Any employee who suspects that information from LEIN is being run in violation of the law or this policy is to notify his/her supervisor immediately. The supervisor is then to notify the Administrative Office as soon as possible. Any violation of this law or policy will be investigated fully; those found in violation will be subject to disciplinary action.


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## **USAGE**

LEIN information is to be used by law enforcement personnel for law enforcement purposes only. Any information that is requested should be traceable to a specific law enforcement activity by police complaints, logs, dailies, taped radio or phone communications, in-house computer systems, etc. Requests for LEIN information will include the complete last names (and first initial if there is more than one employee with that last name) of the person running the query and the person and department requesting the information.

Following is a list of persons who are not to be given any type of LEIN information whatsoever:

- Bondsmen
- Defense Attorneys
- Fire Departments (unless there is a user agreement signed by the chief of that particular fire department and the sheriff to provide limited service)
- Non-criminal Justice Government Agencies (which includes, but is not limited to the Board of Commissioners, Personnel, the Motorpool, Corporation Counsel, the Treasurer, the Register of Deeds, etc.)
- Medical Examiners
- Military Recruiters
- Private Attorneys
- Private Citizens
- Private Detectives
- Private Security Companies or Officers
- Retired Police Officers
- Social Service Agencies

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## CRIMINAL HISTORY RECORDS POLICY

### **DEFINITIONS**

A Computerized Criminal History (CCH) or, more recently termed, a Criminal History Record (CHR) is an automated file that provides previous arrest and/or conviction information on Michigan offenders only.

The CCH file is accessed by:

On the main LEIN terminal by using the CCH format and entering either the person's name, sex, race, and date of birth **or** the State Identification (SID) number.

On the satellite LEIN terminals by using formats beginning with "QH" or "QHW" with the person's name, race/sex, and date of birth or "QR" using the person's SID number.

Michigan CCH records are audited every two years by the Michigan State Police - LEIN Field Services Unit.

Criminal history records from states other than Michigan are obtained through an interface with NCIC known as the Interstate Identification Index (III).

The III file is accessed by:


On the main LEIN terminal by using the person's FBI number on the CCH format.

On the satellite LEIN terminals by using the format beginning with "QR" and using the person's FBI number.

Out-of-state CCH's are audited every two years by the Federal Bureau of Investigation.

### **DIRECTIVE**

It is incumbent upon every member of the Genesee County Sheriff's Department who requests, runs, or uses criminal histories to maintain adequate documentation to substantiate the request. Initial documentation consists of a signed Criminal History Request Form which includes the departmental complaint number, a valid signature of the requesting officer or employee, complete information on the person being run and the reason that person is being run. Documentation is examined by auditors who check to assure that there is a paper trail for each criminal history requested and that the request meets the requirements of the law. The only exception applies to Booking: It is not necessary for Booking deputies to complete a request form for each new inmate booked; the booking computer suffices as documentation. It is also imperative that

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information not be disseminated to individuals who are not entitled to it, that it not be requested for personal use, and that it be run with the correct purpose codes and the complete last names of the persons running and requesting the CCH.

## **PENALTIES**

There are both federal and state laws that govern the use and dissemination of Criminal History Records.

### **Penalties for misuse of Michigan criminal records are:**

#### **Federal Law**

Federal Code of Regulations, Title 28, Chapter 20, Subpart B

\$10,000 fine to any agency or individual in violation; the commander of the Michigan State Police - Central Records Division is given the authority to discontinue CCH service.

#### **State Law**

MCL28.214, Section 4

1st offense - 90 day/\$500 misdemeanor

2nd offense - 4 year/\$2000 felony

### **Penalties for misuse of out-of-state criminal records are:**

#### **Federal Law**


Privacy Act of 1974

90 day/\$500 misdemeanor

Any employee who suspects that a criminal history record is being run in violation of the law or is not in compliance with this policy is to notify his/her supervisor immediately. The supervisor is, in turn, to notify the Administrative Office as soon as possible. Any violation of these laws or this policy will be investigated fully; those found in violation will be subject to disciplinary action.

## **USAGE**

Proper usage of criminal history records varies slightly for each division. The variations are as follows:

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### **Records Division**

No CCH information is to be given to private citizens or military recruiters whatsoever. If a person requests a criminal history for a private sector job application, he/she can send his/her request, along with their fingerprints and the required fee, to the Michigan State Police - Central Records Division, 7150 Harris Drive - Secondary Complex, Lansing, MI 48913. The Records Division will be limited to running criminal history records for firearms only. Requests of any other nature, including pre-employment warrant checks on security guard applicants (who are in person and have valid picture ID) will be directed to Radio. Because the equipment in the Records Division is enabled to run only gun checks and criminal histories and no other forms of LEIN, a CCH Request Form must be completed every time a Records Division employee runs anyone on LEIN or the gun registration computer. When using either of these computers, Records employees must always use a complete last name in the OPR and FOR fields (example: OPR:C Harris. FOR:C Harris/GESH Records). The purpose code "F" and the requester's department (GESD Records) have already been pre-programmed into that equipment.

### **Administration**

Any request for a criminal history for employment with this department only must be made by means of a completed Criminal History Request Form and forwarded to Radio. Any person or agency who requests a criminal history record for a private sector position (such as church security or private security) must be directed to obtain the record by means of sending his/her fingerprints to MSP - Central Records Division.

### **Detective Bureau, Paramedic and Traffic Divisions**

All requests for criminal histories must be accompanied by a signed Criminal History Request Form and must have a traceable departmental complaint number to substantiate the request. Only employees with the rank of Sergeant or higher will be permitted to request or run these records.

### **Courts Division**

Court officers are not permitted to run criminal histories. If they are investigating an actual criminal complaint accompanied by a departmental complaint number, they can advise their supervisor who will request or run the record.

### **FANG/GAIN**

Detectives assigned to these units should use their own terminals at their respective offices. These terminals each have their own assigned ORI and, as such, are audited separately from the Sheriff's Department. In addition, these units use complaint numbers that are different from those used in this department and are more difficult to track in an audit. Criminal history information is generally not needed on an emergency basis so detectives assigned to these units can obtain this information at their own base of operations rather than requesting it from Radio.


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### **Booking**

Booking officers are not required to complete a Criminal History Request Form for each new inmate booked, however, they must ensure that the ORI number assigned to the Booking satellite LEIN terminal is used on each record and that the correct booking number is entered so the inquiry can be easily tracked in the Booking computer.

### **Radio**

Radio operators are not to run criminal histories for any officer, either with this department or one of the departments we provide LEIN service for, without first having a completed Criminal History Request form. The LEIN operator is to use the ORI of the department requesting the criminal history as each ORI is audited separately. LEIN operators should be well versed on the LEIN requirements for CCH requests by consulting the LEIN Handbook and the LEIN Operations Manual located in the Radio Room.

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## VALIDATION POLICY

### **DEFINITION**

Validations are the process whereby all of a department's LEIN entries are checked periodically for accuracy, completeness, and that the complaint/warrant is still active. Validation reduces a police department's liability level by reducing the possibility of erroneous arrests and, therefore, litigation. The Michigan State Police - LEIN Field Services Unit sends each police agency a computer listing each month of a portion of their LEIN entries. The list is accompanied by a signature card; the card, when signed and returned by the specified date, is the police department's certification that all LEIN entries on that particular listing are accurate, complete, and active.

### **DIRECTIVE**


When validations are done correctly, a department's error rate and, therefore, liability is significantly lowered. Second party checks, whereby an experienced LEIN operator, other than the one entering the record, will also significantly reduce liability and the amount of work that will need to be put into future validations. It is imperative that validations be apportioned to specific persons and/or divisions to be completed in a timely and accurate fashion. Hereafter, validations of vehicles, missing or unidentified persons, guns, and other property will be assigned to the Detective Bureau. Validations of warrants and injunctive orders will be the responsibility of all LEIN operators on all shifts.

### **PENALTIES**


Failure to complete validations and return the signature card by the specified date will result in all the LEIN entries listed on that validation sheet to be removed from LEIN by LEIN Operations.

### **USAGE**

The Detective Bureau, when completing validations, will contact the complainant to determine the current status of the item/vehicle. The complainant will also be contacted on missing persons complaints to determine if the person has been located. If a person has been missing for 30 days, the Detective Bureau will obtain the name of the missing person's dentist, the dental records of same, and assure that these records are entered into LEIN. If a complainant cannot be located for a particular complaint, the Detective Bureau will make a determination based on the best available information as to whether to allow the entry to remain in LEIN. The LEIN operator on duty will be notified of any entries that need to be canceled or information modified.

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All LEIN operators on all shifts are responsible to validate warrant and injunctive order entries. They should be done daily, as time permits, until the list has been completed. When LEIN operators validate warrant and injunctive order entries, the records on the validation list having an asterisk (\*), indicating that it is the first time that entry has appeared on a list, need only be checked for accuracy and completeness. The information on the warrant or injunctive order should be checked against the information that is currently entered in LEIN and information added or corrected as needed. Older records should be checked not only for accuracy and completeness, but also to assure that the warrant/order is still active. Warrants that are ten years old or older should be canceled and returned to the court of origin for them to establish validity. Warrant entries, especially those that will go into NCIC with extradition, need to be "packed". This refers to entering every available piece of information, such as fingerprint codes, court tracking number, social security, SID, FBI, driver's license, prison, and personal identification numbers, aliases, scars, marks, tattoos, and physical deformities. Much of this information is available by running the identification segment only on a criminal history record (this will not require the use of a criminal history request form as only the identification portion is received and not the entire criminal history. This is accomplished on the CCH format by using the purpose code "I" and the person's State Identification (SID) number; if the SID number is not available, run the request with the name, sex/race, and date of birth. The SID will appear if available or the FBI identification segment if the person has an out of state history). If an entry to be validated is not packed, the LEIN operator must add the available information to the existing entry. LEIN operators should sign their name to the bottom of each validation page they complete.

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## WARRANT PICK UP RADIUS POLICY

### **DIRECTIVE**

With the advent of LEIN's Local Warrant Locate Policy and the chronic overcrowding experienced at the Genesee County Jail, it is contingent upon all LEIN operators to insure that warrants are entered with an appropriate pick up radius. The locate policy allows a police agency who apprehends a wanted person on another agency's warrant to enter a "locate message" into LEIN on the other agency's warrant if the arrest is within the pick up radius entered into LEIN. After a few days, LEIN will automatically purge the "located" warrant from the system regardless of whether the holding agency picks up the wanted individual. To help illustrate this principle, consider the following hypothetical scenario:


Bay City Police apprehends John Doe on a misdemeanor traffic warrant held by our department that has a 100 mile pick up radius entered into LEIN. Due to severe overcrowding at our jail, we decline to pick up Mr. Doe and ask Bay City to advise him of the warrant and release him. Because Bay City is within the 100 mile radius, they enter a "locate message" into LEIN on our warrant. Later that week, LEIN purges our warrant from the system; we must now re-enter it into LEIN.

Had the warrant in this scenario been entered with a more appropriate pick up radius of 25 miles, Bay City would not have been permitted to enter a locate message on the warrant because that agency is more than 25 miles away. The warrant would not have to eventually be re-entered resulting in time savings for the LEIN operator. It should be noted that the above scenario may be repeated by agencies within Genesee County even on warrants with a 25 miles radius (this is the shortest pick up radius available). Agencies could conceivably enter locate messages on every person arrested on a Genesee County Sheriff's Department warrant causing all of these warrants to be purged. Unfortunately, there is no foreseeable method to prevent this occurrence.

### **USAGE**

The following pick up radius should be entered on the types of warrants listed:

Misdemeanor warrants (includes petition & bench, bench & commitment)	25 miles
Fail to Appear on Civil Charge (District or Circuit Court)	25 miles
Civil Child Support warrants	100 miles

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Felony warrants

Statewide\*

Felony Child Support warrants

Statewide/Extradition


Circuit Court Probation Violation warrants

Statewide/Extradition

Circuit Court Fail to Appear on Felony warrants Statewide/Extradition

\*May add extradition to this type if requested by a detective.

Adherence to these parameters will reduce the likelihood of warrants being purged by locate messages.

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## EXTRADITION POLICY

### DEFINITION

Extradition is the legal surrender of an alleged criminal to the jurisdiction of another state. Within this department, the warrants that are intended to include extradition by Genesee County are as follows:

- Circuit Court probation violation warrants
- Circuit Court failure to appear on criminal charge warrants
- Felony child support (desertion/abandonment) warrants
- Probate (Family) Court orders to take into custody juveniles on criminal charges


### DIRECTIVE

It is contingent upon all LEIN operators to assure that the types of felony warrants listed above are entered, not only into LEIN with a statewide pick up radius, but also into NCIC with extradition. LEIN operators should also assure that types of felony warrants not specifically defined by this policy are not placed into NCIC unless specifically requested by a detective and that no misdemeanor warrants are ever entered with extradition. It is imperative that the Detective Bureau notify Radio of arrests that are declined for extradition so that the warrant entry can be modified to reflect the change in status as required by NCIC regulations.

### USAGE

Upon receipt of extraditable warrants, the LEIN operator will collect any available information on the person to be entered. The best method to accomplish this is to run the identification segment of a criminal history record by using purpose code "I" on the CCH format. The identification segment will include such information as fingerprint classification, social security number, driver's license or personal identification number, prison number, state identification (SID) number, FBI number, scars, marks, tattoos, and aliases. All available information is to be included in the warrant entry which is termed "packing the entry". Packing is a requirement on all warrants entered into NCIC. In order to send such an order into the NCIC computer, the LEIN operator need only type "YES" into the extradition field (also known as scan line 21).


When an individual is arrested in another state on a warrant entered into LEIN/NCIC by this department, LEIN operators must confirm the warrant by **teletype only**, not by telephone. The confirmation message should confirm the validity and pertinent details of the warrant and request that a hold be placed on that individual. LEIN operators are **not** to advise that we will extradite but only that the Detective Bureau and/or the Prosecutor's office will contact them on the next working day with further details. The

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warrant in question and all pertinent teletype messages should be forwarded to the Detective Bureau for further action.

The Detective Bureau, upon notification of an arrest on a subject in another state, will contact the Prosecutor's office with that information. The Prosecutor's office will determine on a case-by-case basis whether or not Genesee County will institute formal extradition proceedings. Should the prosecutor decide not to extradite, NCIC requires that the entry be removed from NCIC or that it be modified to advise limited extradition (such as from states surrounding Michigan only). The Detective Bureau will be responsible for assuring that this is done.

A LEIN operator can remove extradition from a warrant by modification; the word "NO" is typed into the extradition field. To limit extradition, the LEIN operator would simply modify the Remarks section of the existing entry to read "Surrounding States Only" or something similar. It is important to note that a warrant already in LEIN cannot be modified to include extradition if it was originally entered without it. In this instance, the warrant would have to be canceled and then re-entered with "YES" in the extradition field.

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### **BOND INFORMATION POLICY**


#### **DIRECTIVE**

It is contingent upon all LEIN operators to insure that correct bond and court information are given and paperwork processed accordingly when another agency apprehends a person wanted on a Genesee County warrant.

#### **USAGE**

When a wanted person is apprehended on a Genesee County warrant, the following process should be followed:

1. Retrieve the actual warrant from the file to determine if it is valid.
2. Determine the amount of the bond or fine.
  - If a bond amount is followed by "10%", it is essential that the LEIN operator advise the requesting agency of this. While it does not change the amount that the person posts, it does change the manner in which a bond is written and the amount that the person is responsible for if he fails to appear on his appointed court date.
  - Bench and commitment warrants that list a balance due are fines and must be paid in full. It is not permissible to accept a partial payment on a fine. No court date is to be given for payment of fines.
  - Misdemeanor warrants that do not specifically list a bond amount (provided that it does not state "no bond") can be generally interpreted as having a \$100 cash bond.
  - Consult a supervisor for permission if an agency requests that a person be allowed to pay a lesser amount than stated on the warrant.
  - Friend of the Court requests \$1000 cash bonds on all civil child support warrants. Persons should be given a court date within the next 7 days.
  - Circuit Court probation violation warrants, Circuit Court fail to appear on felony charge warrants, felony child support warrants, and most other felony warrants are to be considered to have no bond unless the signing judge specifies otherwise.
3. Advise the requesting agency of the court address that appears on the top of the warrant.
4. Advise the agency of the date the subject is to appear.
  - 67th District Court arraignment dates should be set on Mondays at least four weeks in the future.
  - 68th District Court arraignment dates should be set on Thursdays at least four weeks in the future.
5. Immediately cancel the warrant from LEIN.

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6. Complete a warrant recall form noting the agency that accepted the bond and date that the subject was given to appear in court. The original copy of the warrant recall form remains on file in the radio room. Forward the other form copies and the original warrant to the court.

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## IMPOUNDED, ABANDONED, AND STOLEN VEHICLE POLICY

### **DEFINITIONS**

An impounded vehicle is one that has been towed as either a consequence of a traffic violation or is a traffic hazard.

An abandoned vehicle is a vehicle that has previously had a 48 hour notice (or red tag) affixed to it by a police officer.

A stolen vehicle is one that has been taken without the consent of and/or without the knowledge of the owner.


### **DIRECTIVE**

It is contingent upon all police deputies and LEIN operators to be familiar with and be able to differentiate between the vehicle categories listed above to ensure that vehicles are entered under the proper categories. To assure that vehicles in all categories are removed from LEIN in a timely fashion requires that the Detective Bureau review all vehicle entries on a monthly basis. It further necessitates the entry of an expiration date on all abandoned and impounded vehicles.

### **USAGE**

Vehicles must be entered into LEIN (as opposed to entering, then immediately canceling them) to prevent any other police agency from entering the same vehicle into LEIN until our complaint has been cleared. Impounded and abandoned vehicles will be entered into LEIN with the location the vehicle was towed from in the Remarks section. The LEIN operator will write the name of the tow company on the paperwork but not enter it in the LEIN entry. This will ensure that any other agency who queries a vehicle this department has in LEIN will contact us for the location of the vehicle and will enable its timely cancellation. All information will be logged in it's entirety in the Tow Book. Stolen vehicles are to be entered as soon as possible to aid in possible recovery. This department will not enter stolen license plates into LEIN; our Prosecutor's Office has determined that entry of stolen license plates places an unacceptable level of liability on Genesee County. However, this does not prevent the police agencies our department provides LEIN service to from entering stolen plates into LEIN if they chose to do so.


LEIN has recently introduced an expiration date field into abandoned and impound entry formats. They have termed it the DOX or date of expiration field and have placed it under scan line 99. To ensure that these types of vehicles are not left in the LEIN system for indefinite periods of time, impounded vehicles will be entered with an expiration date two weeks from the date of entry and abandoned vehicles will be

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entered with an expiration date one month from the date of entry. When the expiration date arrives, LEIN will automatically purge these vehicles from the system. The paperwork will then be stapled together and forwarded to the Detective Bureau. If a detective deems necessary, a vehicle can be re-entered once the expiration date has been reached.

When a LEIN operator is notified of a recovery of a vehicle this department has entered as stolen, the operator will contact the deputy taking the original complaint (if on duty) or the supervisor on duty in that division. If the vehicle is recovered by another police agency, the LEIN operator will request recovery information via LEIN message including the location of the recovery, condition of the vehicle, and to what tow service the vehicle will be towed. The stolen vehicle is to be removed from LEIN and all pertinent paperwork forwarded to the Detective Bureau.

**Every 90 days**, the LEIN terminal agency coordinator (TAC) will compile a list of all stolen, abandoned, and impounded vehicles currently in LEIN. The list will be formulated using the vehicle entry sheets that are currently on file in the radio room. With the new expiration date field in place, this list will be minimal. The TAC will then forward this list to the Detective Bureau. A detective or designee will review the complaints for vehicle entries on this list to ensure that vehicles that are no longer impounded, abandoned, or stolen are not allowed to remain in LEIN. For stolen vehicle complaints, the vehicle owner will be contacted concerning the vehicle's current status. Abandoned or impounded vehicles that are issued salvage titles must be removed from LEIN.

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## MISSING PERSONS POLICY

### **DEFINITIONS**

Contrary to what has been put forth by the media, there is no waiting period for the entry of missing persons into LEIN and NCIC. There are several categories of missing persons:

**Disability:** a person of any age who has a proven physical or mental disability or senility that would subject that person or others to immediate danger (includes mental health escapees).

**Disaster Victim:** a person of any age missing as the result of a natural or man-made disaster. Examples are tornadoes, train derailments, mass suicides, earthquakes, etc.

**Endangered:** a person of any age missing under circumstances that suggest that the person's physical safety is in jeopardy.

**Involuntary:** a person of any age missing under circumstances that suggest the disappearance was not voluntary (such as a kidnapping). Entries under this category are automatically forwarded to the FBI - Central Intelligence Division in Washington D.C.


**Juvenile Runaway:** an unemancipated (under 17 years of age) person who does not meet any of the previous criteria.

**Voluntary:** an emancipated (age 17 and over) person who does not meet any of the previous criteria. Persons in this category are entered into LEIN (State of Michigan only) but not into NCIC.

**Probate Orders:** non-delinquent children named on a Take/Place Into Custody Orders as either Endangered or Involuntary depending on the circumstances listed on the order.

### **DIRECTIVE**

It is contingent upon all police deputies and LEIN operators to be familiar with and be able to differentiate between the missing persons categories listed above to ensure that missing persons are entered under the proper categories. Police deputies must obtain as detailed and complete information as is possibly available and a signed form from the complainant documenting the category in addition to the police complaint. To assure that all missing person entries are removed in a timely fashion requires that the

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Detective Bureau review all missing person entries on a monthly basis. This review will be completed using a list provided by the LEIN Terminal Agency Coordinator (TAC).

### **USAGE**

All missing persons should be entered into LEIN as soon as possible. It is imperative that the entry be as complete as possible. Police deputies must obtain a minimum of the person's height, weight, hair and eye color, and date of birth for the entry to be accepted into NCIC. Optimal entries include detailed clothing descriptions, scars, marks, tattoos, piercings, deformities, social security, driver's license, and license plate numbers. The missing persons file is routinely cross checked nationwide against unidentified bodies in an effort to find possible matches.

It is necessary for the Detective Bureau to contact the complainant on missing persons reports at least once per month. After a person has been missing 30 days, LEIN generates an automatic request to the entering agency for dental records to be entered from the missing person's dentist. Routine contact with the complainant also ensures that the missing person entry is canceled should the person return and the department not receive notification. Missing persons entries remain in LEIN indefinitely until the entering agency removes them.

At the end of each month, the LEIN TAC will compile a list of all missing persons currently in LEIN with this department. This is accomplished by using all missing persons cards currently on file in the Radio Room. The TAC will forward the list to the Detective Bureau for a detective or designee to review the complaint, contact the complainant, and see that cancellations or modifications are made as needed.

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## PERSONAL PROTECTION ORDER POLICY

### **DEFINITION**

A personal protection order (PPO) is an order issued pursuant to either MCLA600.2950 or MCLA600.2590a which enjoins an individual from specific conduct (defined within the order) that is directed toward the person that the order protects. For this department to enter such an order into the LEIN system, several requirements must be met:

- The order must be an actual true copy (it cannot be a photocopy of a true copy unless the court has applied a new true copy stamp to it).
- It must have an expiration date.
- It must state clearly on its face which law enforcement agency is responsible for its entry.
- It must state on its face that it is enforceable immediately upon a judge's signature and should bear a judge's signature.
- It must state on its face that it is enforceable anywhere in the state of Michigan by any law enforcement agency.

If a PPO is received by this department that fails to meet these requirements as set forth in Public Act 402 of 1994, it must be returned to the Court of issue until such requirements are satisfied.

### **DIRECTIVE**

It is incumbent upon all members of this department to ensure that personal protection orders are entered into LEIN, served upon the enjoined, and enforced within the requirements of the laws that establish them in a manner that provides maximum protection of the safety and rights of the citizenry.

### **USAGE**

Generally, the clerk of the Circuit Court will forward photocopies of PPO's (with a true copy stamp applied) to Radio for entry into LEIN. LEIN operators should ascertain whether the orders meet the criteria as listed above; when they do not, orders are to be returned to Circuit Court with a notation as to their deficiency. Personal protection orders should take precedence for entry and should be entered into LEIN as soon after receipt as is possible. Orders should not be left for the following shift unless extreme

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circumstances prevent their timely entry.

Occasionally, a private citizen will appear at the Sheriff's Department with his/her original PPO. The person should have four color-coded copies of the original order that are to be distributed as follows:

- Green - to be kept by Radio for entry into LEIN
- Blue - to be served upon the enjoined person
- Yellow - to be signed by the deputy or process server who serves the order on the enjoined party; once signed, this copy is returned to Circuit Court for filing
- Pink - to be kept by the protected party

These orders are to be held to the same criteria as orders received directly from Circuit Court.

There are two forms of legal service: personal service and verbal service. Personal service is defined as serving an actual true copy of an order on the enjoined person. Verbal service constitutes verbally advising an individual of the existence of an order, the prohibited conduct therein, the penalties for violation, and where the person can obtain an actual copy of the order. Verbal service must take place at such time as a person is actually in violation; it cannot be made pursuant to other types of police contact (such as traffic stops, warrant arrests, etc.). An arrest can only be made after the enjoined party has received notice of and been given an opportunity to comply with an order. The clerk of the Circuit Court usually sends true copies of proof of service to Radio for entry, however, we may be notified of verbal service by other police agencies as well. Notification of verbal service must be received by this department via LEIN so that there is a written record of the service. A telephone conversation advising of verbal service is insufficient. Whenever a LEIN operator receives notification that an order has been served, either by personal or verbal service, the order should be immediately modified to reflect the change in status.

Persons arrested for violation of personal protection orders must be taken before a judge for a hearing within 24 hours of the arrest. Any police department that lodges someone in the Genesee County Jail for PPO violation is required to provide a copy of the police report which specifies how the order was violated. Booking staff will attach photocopies of the PPO and proof of service to the report and forward them to the hearing judge. Pursuant to Public Act 418 of 1994, Section 4, persons arrested in other counties for violating orders issued within Genesee County may be transported back for hearing, however, such transports are to be made by this department at our expense.

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### **MEDIA INFORMATION POLICY**

#### **DIRECTIVE**

It is crucial that radio operators not give statements or release information to the media unless directed to do so by the Administration by way of the chain of command.

#### **USAGE**

Representatives of the media contact the Radio Room, often on a daily basis, in hopes of obtaining newsworthy information. The media also monitors police radio frequencies by use of scanners; radio operators should keep this in mind when broadcasting on the police frequency. Often after a major occurrence, media representatives will contact the Radio Room requesting very specific information about an incident. Under no circumstances is the radio operator to disseminate information to the media. As professionally and respectfully as possible, the radio operator is to take the name, agency, and phone number of the caller and forward it to a traffic or paramedic supervisor for further action regardless of how insistent the media representative is. Violation of this policy will result in disciplinary action.

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## TERMINAL AGENCY COORDINATOR (TAC) DUTIES AND RESPONSIBILITIES

### **DEFINITION**

LEIN Policy Council defines a terminal agency coordinator or TAC as “a person versed and knowledgeable in rules, regulations, applications, and operation of LEIN/NCIC and the interfaced systems. The TAC shall have the authority to act on behalf of the departmental agency head for liaison with LEIN Field Services Section.” LEIN Policy Council and the NCIC Policy Board both require each agency that has a LEIN terminal to designate a TAC.

The LEIN system is a highly technical and complex operation and requires several years for one to become familiar with it’s intricate inner workings. For this reason, a TAC should be someone who has a great deal of previous LEIN experience; a novice LEIN operator or a supervisor without LEIN experience would not be able to effectively fulfill the duties of that position.


In large departments, LEIN Field Services encourages the use of multiple or associate TAC’s. Associate TAC’s can assist the primary TAC and/or act in the absence of the primary TAC. All TAC’s are required to complete a LEIN certified TAC Basic Instruction School and attend TAC Update Schools every two years thereafter. In agencies having interface systems (also known as satellite LEIN terminals such as those in Booking, Records, etc.) at least one TAC is required to attend a “Train the Trainer” course to be able to provide adequate training for interface users.

### **DUTIES**

The duties and responsibilities of the primary TAC are delineated as follows:

#### **Daily**

- Insure departmental and individual compliance with the rules, regulations, and security of the LEIN system. The TAC is required to report violations to the LEIN Policy Council.
- Check all warrant and personal protection order entries for accuracy and completeness. Errors or omissions are marked and delegated to a LEIN operator for correction.
- Identify operators in need of instruction/training and in which areas and train same. Assist LEIN operators in all divisions with questions or problems.

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- Assist LEIN Field Services, other divisions, other agencies, and the public with problems, questions, or concerns about LEIN operations.
- Disseminate any LEIN Bulletins or information regarding policy, legal, or procedural changes to LEIN operators or the Administration.

### **Monthly**

1. Receive monthly validation lists from LEIN Field Services. Lists are divided into three segments, given a due date, and a portion assigned to each shift. Vehicle, missing person, and stolen gun segments are forwarded to the Detective Bureau for validation. Friend of the Court warrant validations are copied and forwarded to FOC to complete their own check for validity in addition to radio's check for accuracy and completeness. When the lists are completely validated, the TAC signs the certification card and returns it to LEIN Field Services by the deadline. Failure to return the signature card by the due date will result in removal of all entries on that list from LEIN. The completed lists are then kept on file for at least six months as required.
2. Run a "Q Log" inquiry on the main LEIN terminal as well as all satellite terminals. A Q Log gives a segment of all criminal histories run at that particular terminal and allows the TAC to determine if criminal histories are being run in compliance with state, federal, and departmental guidelines.
3. Compile a list of missing persons, stolen, impounded, and abandoned vehicles currently in LEIN for this department and forward same to the Detective Bureau for follow up. This assures that these types of entries are modified or removed from LEIN in a timely fashion.
4. (Optional) Compile monthly statistical information on LEIN entry workload, distribution and error rates. Provide same to Administration and maintain in files.

### **Biennially**

1. Coordinate agency audits by LEIN Field Services and the FBI every two years. Identify training issues, policy and procedural problems, etc. and keep the Administration informed of same. Review and revise existing policies as needed.
2. Train, test, and certify or recertify all LEIN operators - main terminal, satellite, and MDT operators.
3. Attend mandatory TAC Update School.

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## LEIN OPERATOR CLASSIFICATIONS


### **DEFINITION**

A LEIN operator is any person who uses a computer terminal to access LEIN and NCIC. Perspective LEIN operators are required by LEIN Field Services to undergo a background check prior to assignment. This background includes a warrant and Corrections Management Information System (CMIS) check, a driving record and operator's status, and a criminal history record. In addition, operators hired or assigned after June 1, 1996 must submit Michigan and FBI fingerprint cards for clearance to MSP - Central Records Division, Identification Section, 7150 Harris Drive, Lansing, MI 48913. LEIN operators are also required to be trained, tested, and certified by the Terminal Agency Coordinator (TAC) within six months of the date of hire or assignment.

There are currently three types of LEIN operators in the Sheriff's Department:

- Full Time Operator - a LEIN operator who makes entries, cancellations, and queries to the LEIN/NCIC system. In this department, a full time LEIN operator is referred to as a Radio/LEIN operator - a person who actually works in the Radio Room using the main LEIN terminal.
- Part Time Operator - a LEIN operator who makes inquiries only from the LEIN/NCIC system. They are generally referred to as satellite operators and are persons who operate satellite LEIN terminals in Booking, Records, the Detective Bureau, District Court holding, etc.
- MDT Operator - a patrol deputy or supervisor who makes queries only from the LEIN/NCIC system using a Mobile Data Terminal in a police cruiser. All deputies assigned to the Traffic and Paramedic Divisions are MDT operators.

All of the aforementioned categories of operators are required to be trained, tested, and recertified every two years by the TAC.

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## POLICY STATEMENT

When inmates in the Genesee County Jail and court holding facilities are transported outside of the secure areas, appropriate safety and security measures shall be taken to ensure the protection of the public, corrections staff and the safety of the transported inmates.

## GENERAL INFORMATION

It is essential that each inmate transport be conducted in a safe and humane manner by appropriately trained personnel. The Sheriff Department training officer shall ensure that each transport deputy who is regularly or temporarily assigned to transport inmates:


1. Is trained in the proper use of physical restraint equipment.
2. Is qualified to use chemical agents.
3. Is qualified to use a department issued handgun.
4. Possesses a valid driver's license.
5. Has read and is familiar with this transport policy and other related department policies specifying the use of deadly force and county vehicle usage.

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## GENERAL SAFETY RULES AND CONCERNS

It is essential to realize that every confined inmate may consider escape at one time or another and the greatest opportunity may occur during the transportation process. Consequently, extra duties and responsibilities are placed on staff that transports offenders. To lessen the probability of escape attempts and assaults, all transport deputies shall be cognizant of the following general safety rules/concerns.


1. Never assume that restraints will automatically prevent escape or assault. Restraints must be properly applied and checked periodically to ensure that they are still secure.
2. Never remove restraints during the secure portion of a transport (outside the jail or holding areas). Unless there is an extreme emergency, restraints must never be removed during a transport. If restraints are removed, the date, time and reason must be reported to a supervisor.
3. Be familiar with the inmates being transported. In a multi-inmate transport, a problem inmate should be placed near the front of the vehicle. A brief review of an inmate's jail record or any related security information should be done before transports, if possible. Jail personnel should be instrumental in this process.
4. Always keep visual contact. Although the inmate may be in restraints, it is the responsibility of those transporting to keep visual contact with the inmate.
5. Stay alert. As the destination nears, staff tends to relax while the inmate becomes more intense. This is the time when the risk of escapes increases.
6. Smoking. Smoking in all county vehicles is prohibited.

	<p style="text-align: center;"><b>Office of the Sheriff Genesee County</b></p> <p style="text-align: center;"><b>Policies and Procedures</b></p>	<p style="text-align: center;"><b>General Order</b></p> <p style="text-align: center;"><b>5</b></p> <p style="text-align: center;"><b>Page 3 of 8</b></p>
<p><b>Title: TRANSPORT POLICY:</b> Revised 9/15/99, 10/13/99, 05/17/00, Revised, Revised 1/20/05</p>		<p><b>Date: 05/18/99</b></p>

## TRANSPORT VEHICLES

Inmates will only be transported in county owned vehicles driven by county employees. Listed below are basic rules and guidelines, which shall be followed in conjunction with all other county rules and regulations concerning vehicle use:

1. All transport vehicles will be searched at the beginning of a deputy's shift.
2. For emergency purposes, all county transport vehicles shall carry a first aid kit, a blood spill kit and an approved fire extinguisher.
3. All county transport vehicles shall be equipped with the following communications equipment:
  - a) A vehicle-mounted, hard wired radio capable of two-communications with: the 911 Communications Center, County Based Radio, MEPPS, Circuit and District Court Bases.
  - b) One portable radio per officer assigned.
  - c) Out-of-town trips only – one pager and one cellular telephone.
  - d) Special Note: all communications equipment will be used for official county business only, except in case of extreme emergency.
4. All transport vehicles must be equipped with a prisoner cage and have door and window handles removed or disabled in inmate transport compartments.
5. Transport vehicles shall not be loaded beyond their rated capacity. Loading and unloading will be done in secure garages when possible.
6. All inmates will be restrained in seat belts and shoulder belts, as the vehicle type will allow.
7. All traffic laws will be adhered to when transport officers are operating county transport vehicles.

	<p style="text-align: center;"><b>Office of the Sheriff Genesee County</b></p> <p style="text-align: center;"><b>Policies and Procedures</b></p>	<p style="text-align: center;"><b>General Order</b></p> <p style="text-align: center;"><b>5</b></p> <p style="text-align: center;"><b>Page 4 of 8</b></p>
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### SPECIFIC RULES FOR ALL TRANSPORTS

1. One inmate may be transported by one deputy. However, female inmates must be transported by a female officer or two male officers.
2. As a general rule for court-to-court or jail to court transports, a ratio of (3) inmates to (1) deputy shall be utilized unless the immediate supervisor determines the situation warrants (2) officers.
3. On medical transports, the supervisor will determine the number of deputies (1) or (2) to be utilized when the situation warrants.
4. Transports to counties that are not contiguous to Genesee County will utilize (2) deputies no matter of the number of inmates being transported. When transporting inmates locally, continuous radio contact will be maintained. Out of town trips will utilize pagers and cellular phones.
5. Female inmates will be seated separately in the transport van.
6. All inmates will be searched before transports. Inmates should be allowed to carry legal papers only during transports. Combs, pencils, hygiene items, food, etc., should be taken from inmates prior to transport.
7. All inmates will have restraints properly applied and inspected by a supervisor before being transported.
8. Inmates will not be allowed any type of visit during a transport.
9. Types of restraints:

Handcuffs	
Standard	Attachment A
Hinged	Attachment B
Oversized	Attachment C
Leg Irons	Attachment E
Waist Chains (belly chains)	Attachment F
Transport Chain (multi-subject)	Attachment G
Flex Tees (plastics)	Attachment H
Transport Leg Brace	Attachment J



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**Title: TRANSPORT POLICY:**

Revised 9/15/99, 10/13/99, 05/17/00, Revised, Revised 1/20/05

**Date: 05/18/99**

### 10. Proper Application – Handcuffs

- ◆ Always use the loaded cuff method with a double push technique.
- ◆ Use the prisoner thumb on each hand to control them.
- ◆ Cuff strong hand first (removal – just the opposite).
- ◆ Palms out vs palms in.
- ◆ Double bar up or out.
- ◆ Keyhole up the arm
- ◆ Snug fit (don't cause injuries.)
- ◆ Always double-lock with key. Do not use other objects like ballpoint pens. (See attachment I.)
- ◆ Always control loose cuff and keep closed.
- ◆ Cuff from behind vs front.

### 11. Proper Application – Leg Irons

- ▶ Always use the loaded cuff method with a double push technique.
- ▶ Apply with prisoner sitting in chair with legs outstretched or with prisoner kneeling in a chair.
- ▶ Double bar up or out.
- ▶ Keyhole down (toward the ground away from prisoner.)
- ▶ Always control loose cuff and keep closed.
- ▶ Snug fit (don't cause injuries)
- ▶ NOTE : Apply leg irons after hands are secure.

### 12. Proper Application – Waist Chains (belly chains)

- ◆ Keep padlock with you during placement.
- ◆ Always apply the waist chain around the prisoner first.
- ◆ Always use the loaded cuff method with a double push technique
- ◆ Use the prisoner thumb on each hand to control them.
- ◆ Cuff strong hand first (removal – just the opposite).
- ◆ Palms out vs palms in.
- ◆ Double bar up or out.
- ◆ Key hole up the arm.
- ◆ Always control loose cuff and keep closed.
- ◆ Removal in reverse steps.

### 13. Proper Application – Transport Leg Brace

The transport leg brace is intended to allow a restrained person to stand trial or fly while jurors or other passengers are unaware of the presence of any restraints. The leg brace will impeded the progress of the person wearing it, but at no time should the restrained person be left unattended or unobserved by the officer.

- Subject should have hands restrained prior to any application.



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Revised 9/15/99, 10/13/99, 05/17/00, Revised, Revised 1/20/05

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- Always verify that you are using a right or left leg restraint in conjunction with the subject's let. (The braces are marked LAB-100-L for left leg and LAB100R for right leg.)
- Unlock the lock and separate all hook and loop straps.
- Hold the restraint against the leg of the subject with the hinge at the knee.
- Close the hook and loop straps around the leg of the subject.
- Lock the leather strap around the ankle of the subject.

### To Open Lock:

- ▶ Insert key with large tooth facing left (see attachment J2.)
- ▶ Push key inward to open locking slide section.
- ▶ Pull on end of the belt to loosen locking device.

### To Close Lock:

- ▶ Insert strap through lock to desired length and close the lock into belt hole.
- ▶ Push in spring-loaded pin and push locking slide section into lock.

Safety check all areas of the restraints before and after use.

14. It shall be the responsibility of the on-duty sergeant in the respective transport area, be it the jail, courts or other transport location, to ensure compliance with this order.



# Office of the Sheriff Genesee County

## Policies and Procedures

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**Title: TRANSPORT POLICY:**

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Please refer to the following chart to confirm the type of restraints to be used in the transport situations listed:

TRANSPORT SITUATION	HANDCUFFS	BELLY CHAINS	LEG IRONS	LOGGING CHAIN
Jail to court holding - single inmate		X	X	
Jail to court holding - multiple inmates				X behind back
Jail to prisons or other correctional facilities – any number of inmates (orange jail suit)		X	X	
Jail to any medical appointment		X	X	
Court holding to courtroom Single inmate*		X	X	
Court holding to courtroom Multiple Inmates		X		X linked to each inmate
Court holding to jail - single inmate		X	X	
Court holding to jail - multiple inmates				X behind back
Any other transport from the jail, e.g. DB interview, special funeral visit. Any number inmates		X	X	
Any transport of a mentally ill inmate		X with hand covers	X	

\*Inmates attending jury trial may have restraints removed if ordered by the judge.

Special Note: Any inmate determined to be an escape risk may have more restraints than listed above but under no circumstances will an inmate have less.



# Office of the Sheriff Genesee County

## Policies and Procedures

General Order

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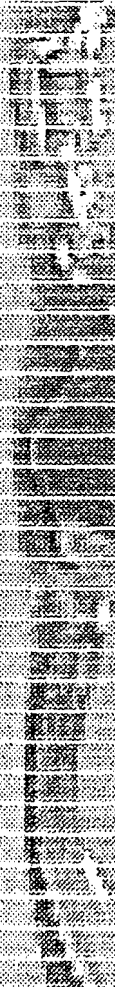
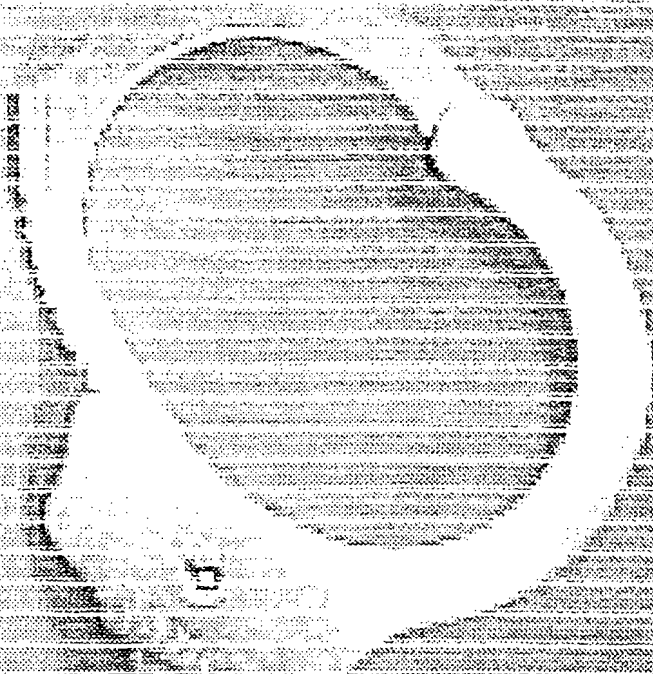
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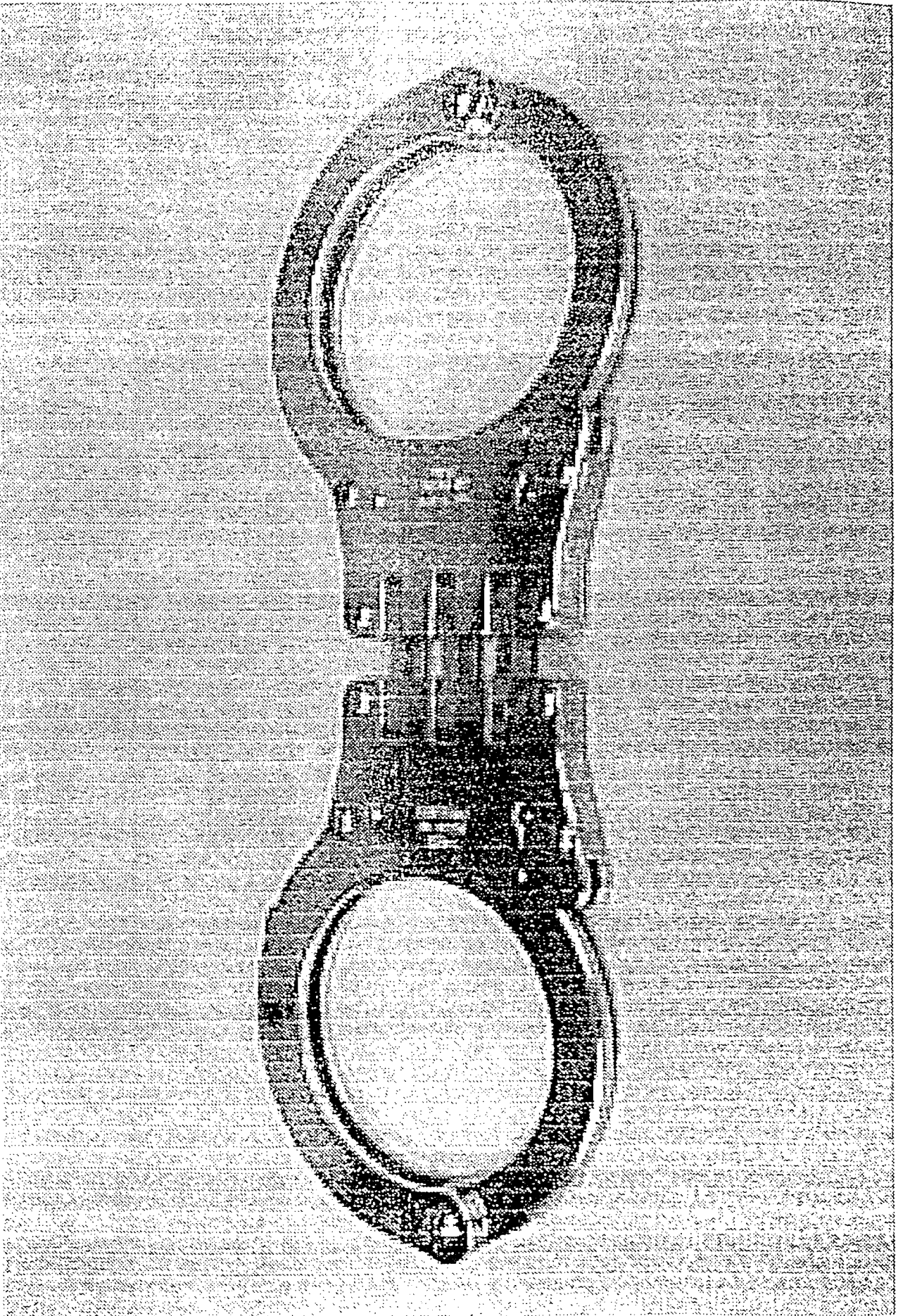
**Date: 05/18/99**

If any questions arise concerning an inmate transport, they are to be handled through the established chain of command.



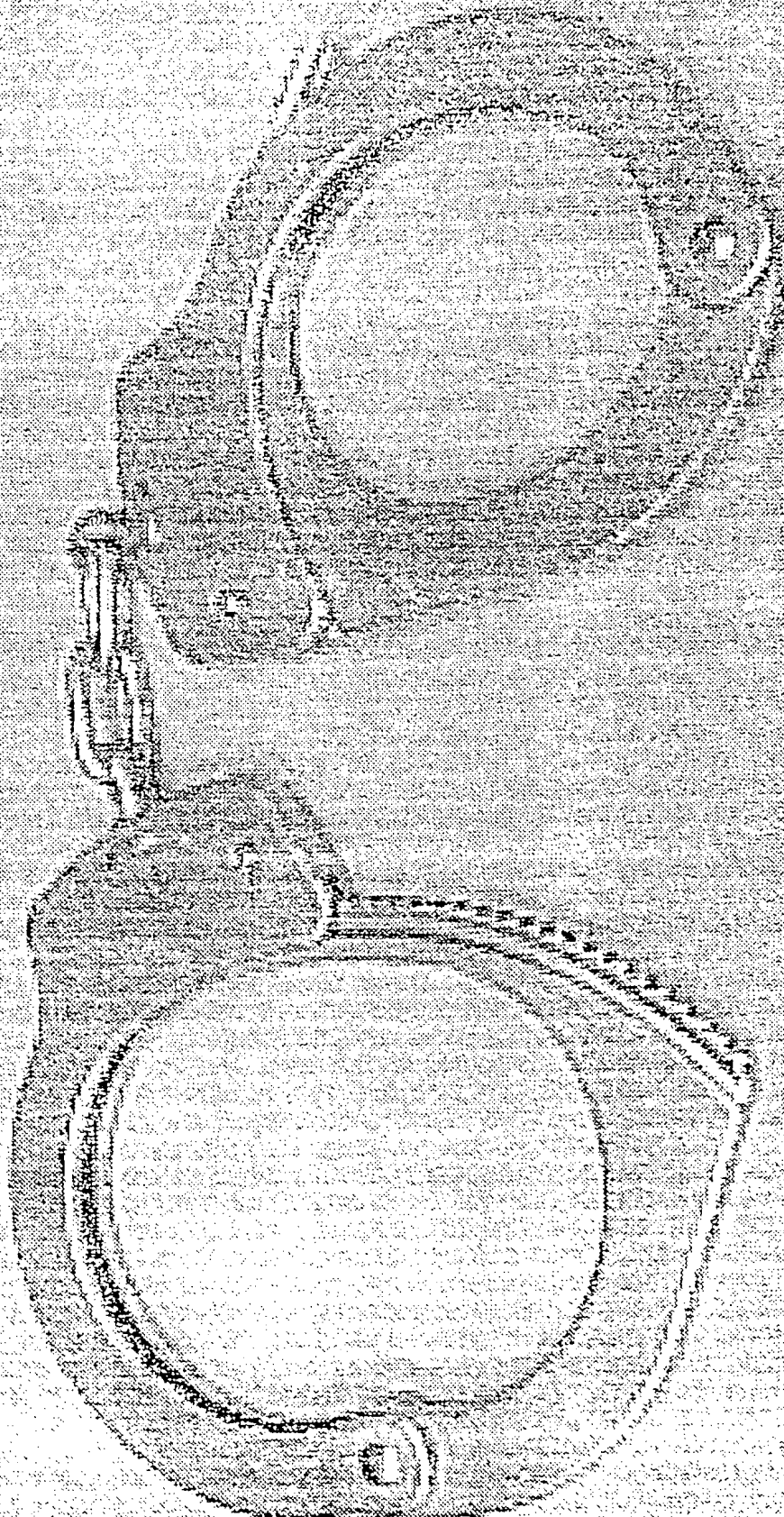
~~STANDARD HANDOUTS~~  
(Attachment A)

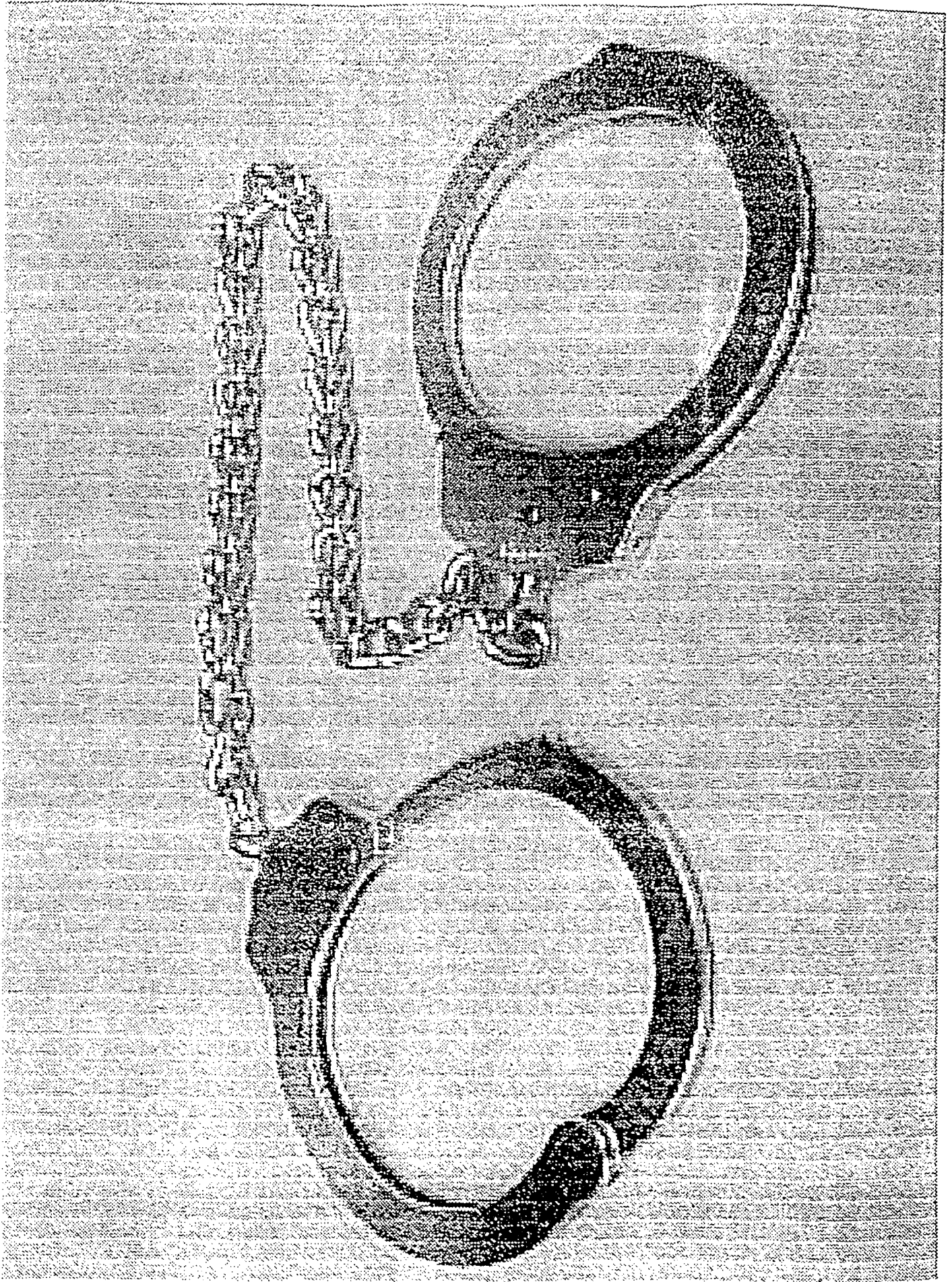
HINGED HANDCUFFS  
(Attachment B)



OVERSIZED HANDCUFFS

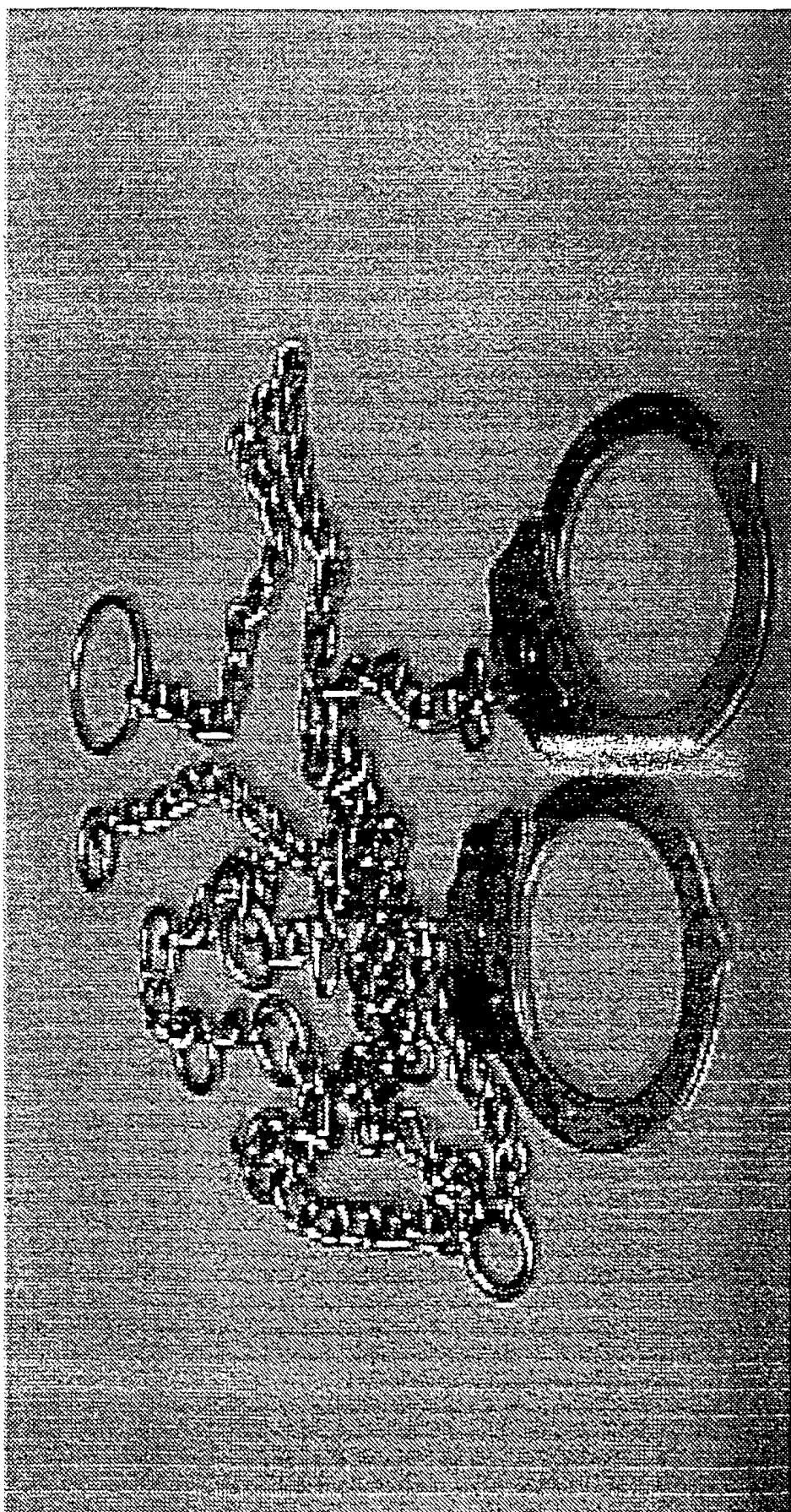
(Attachment C)



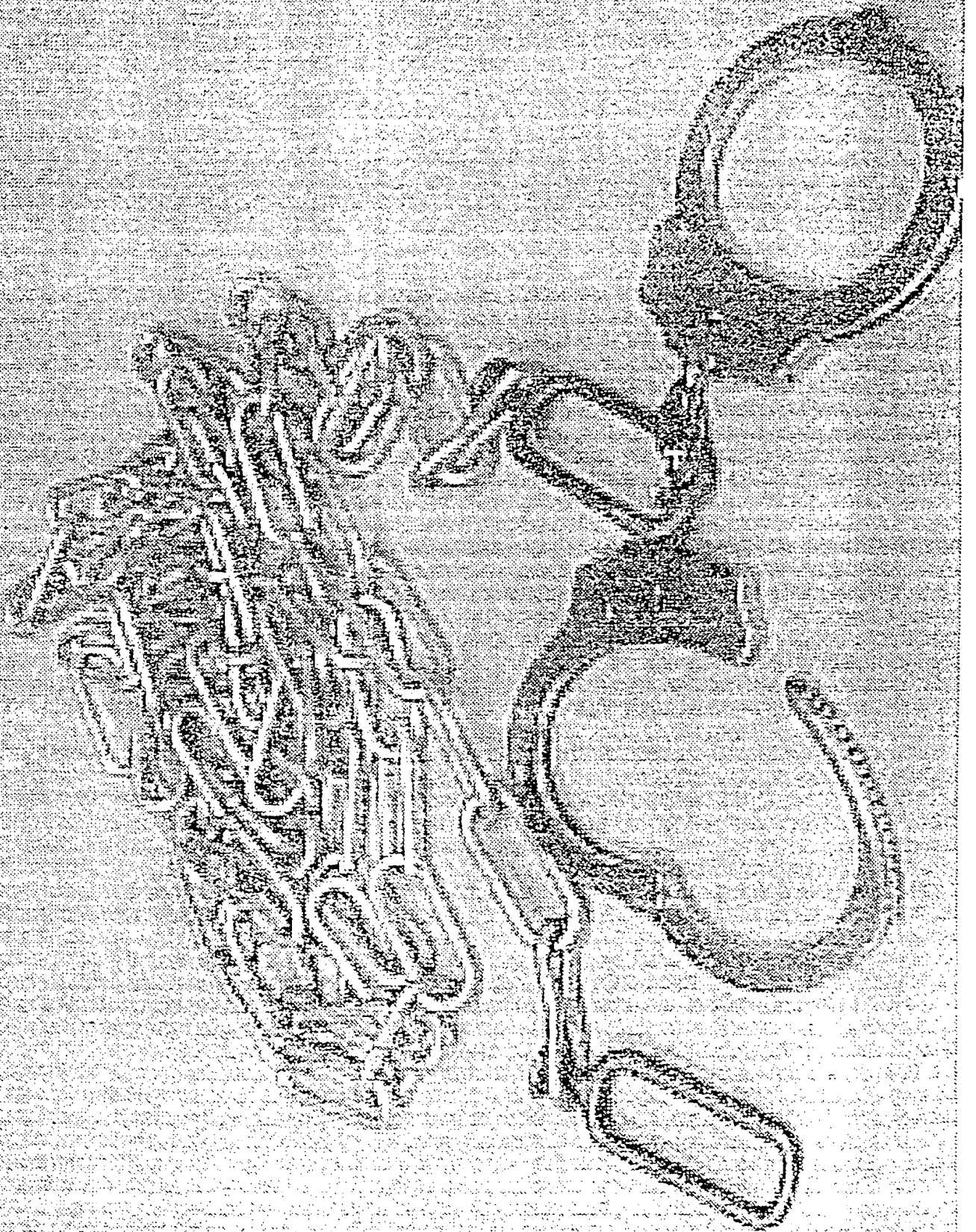


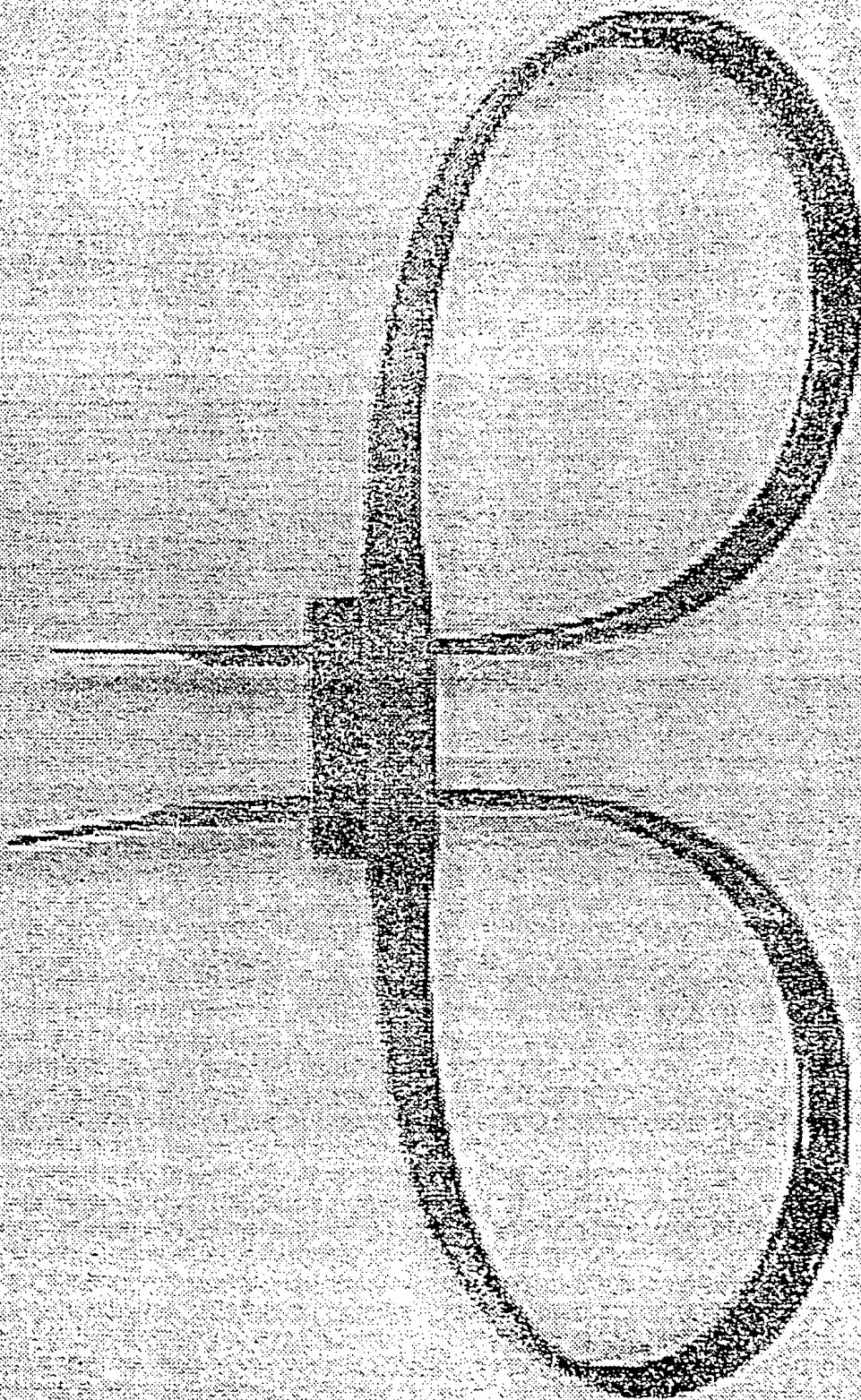
WAIST CHAINS

(Attachment F)



(Attachment G)





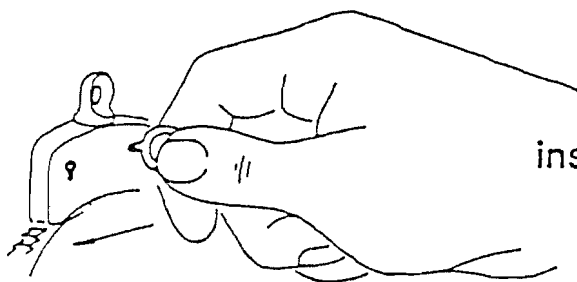
## DOUBLE LOCK (Attachment I)

### To Lock

Handcuffs must be applied properly if you are to successfully restrain and transport a suspect. Departments teach varying techniques and positions for searching and controlling a suspect in preparation for handcuffing. You should be familiar with your department or agency's policies and practices regarding the use of handcuffs. Press the jaws of the cuff firmly against the cheek and re-engage. Press the jaw into the cuff against the skin, being careful that the skin is not pinched or that circulation is not impeded.

### To Double Lock

Insert the small peg on the top of the key into the double lock slot (elongated hole). The small peg, in this position, has contacted the end of the lockspring. Slide the key towards the key hole. When the lockspring is in this position, the bolt cannot be moved by any opening or closing movement of the jaw.



To activate double lock,  
insert small peg on the top of  
the key into slot and slide  
towards the keyhole.

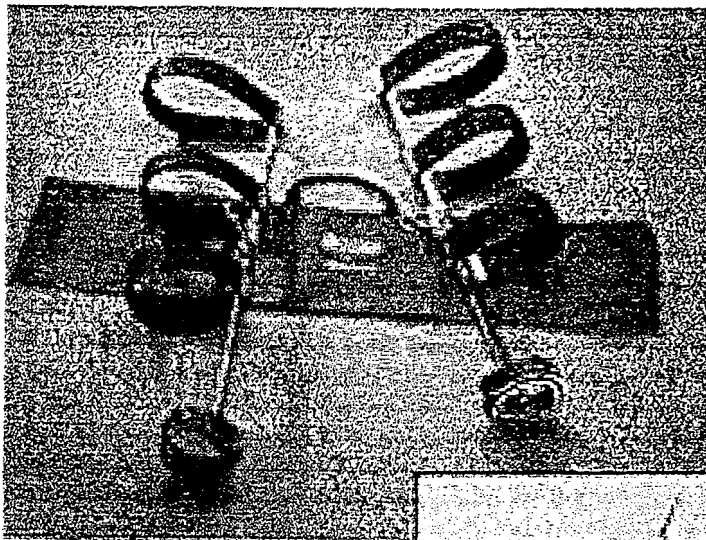
### To Unlock

- a. If Single Locked, insert the key onto the keyhole and turn  $\frac{1}{4}$  turn to release the jaw.
- b. If Double Locked, insert the key into the keyhole, rotate the key in one direction to release the double lock and in the opposite direction to release the jaw. This rotary motion takes slightly more force than that required to finally open handcuff because you are moving the tail end of the spring from the front detent area of the bolt to the rear detent area.

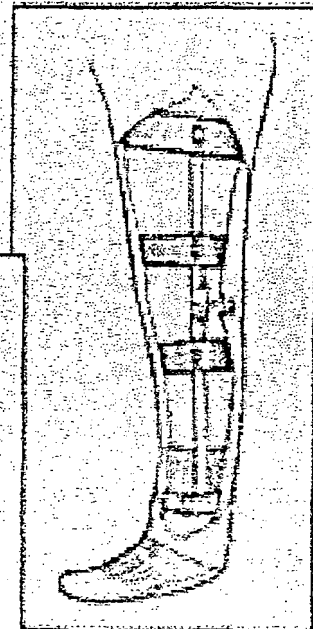
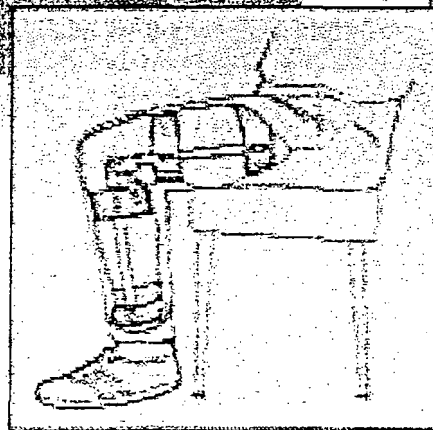
### Maintenance

Handcuffs are a mechanical device which should be cleaned and lubricated periodically and inspected frequently to insure their proper function when needed. Keep the ratchet and lockwork free of dirt, lint or other substances which may limit function. Periodically lubricate the ratchet with graphite.

ATTACHMENT J1

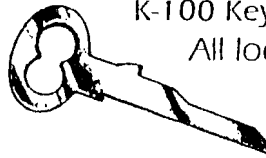
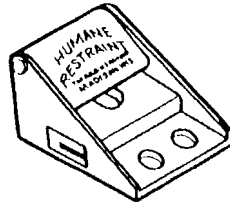


THESE  
ARE  
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# L-100 LOCK INSTRUCTIONS:

L-100 Lock

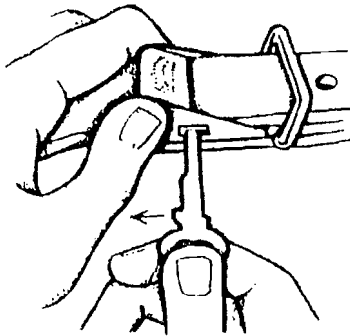


K-100 Key

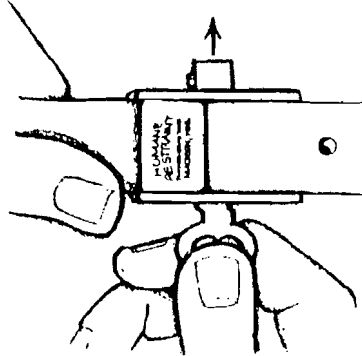
All locking restraints and belts include two keys per lock.

## TO OPEN LOCK:

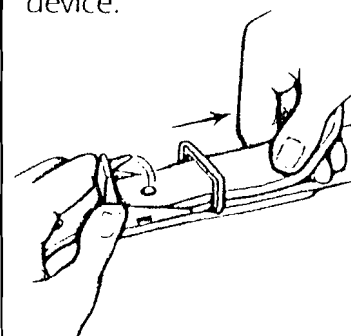
Insert key with large tooth facing left.



Push key inward to open locking "slide" section.

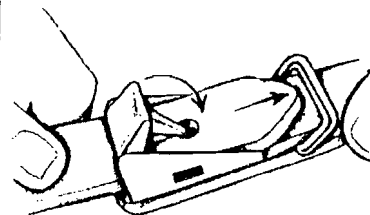


Pull on the end of the belt to loosen locking device.

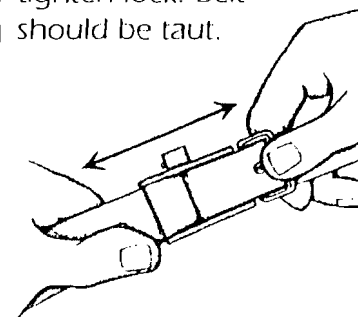


## TO CLOSE LOCK:

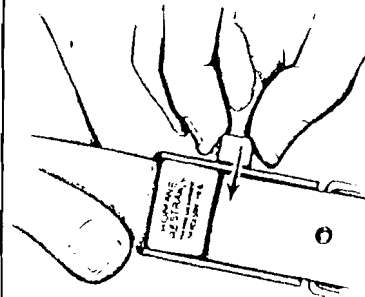
Insert strap through lock to desired length and close lock into belt hole.




Pull on both straps to tighten lock. Belt should be taut.



Push in spring-loaded pin and push locking "slide" section into lock.



	<p style="text-align: center;">Office of the Sheriff Genesee County</p> <p style="text-align: center;"><b>Policies and Procedures</b></p>	<p style="text-align: center;"><b>General Order</b></p> <p style="text-align: center;"><b>6</b></p> <p style="text-align: center;"><b>Page 1 of 4</b></p>
<b>Title: AWARDS AND RECOGNITIONS</b>	<b>Revised 10/10/2002</b>	<b>Date: 05-18-99</b>

The Office of the Sheriff, Genesee County, shall recognize outstanding service and extraordinary action. It shall be the responsibility of the Sheriff Office supervisors to submit officers under their command for appropriate awards through the chain of command to the Sheriff. Supervisors shall include a recommended award in their comments.

**I. Type of Awards:**

**A. Citation for Valor**

The Citation for Valor is the highest award obtainable. It shall be awarded only in exceptional cases where an officer risks his or her life in performing a hazardous duty, which endangered or exposed himself or herself to serious injury and when, because of the action, a life may be saved, a serious crime prevented or a person arrested who has committed a serious crime.


**B. Citation for Meritorious Service**

The Citation for Meritorious Service shall be for service rendered in the line of duty when an officer, because of diligence and perseverance, performs difficult tasks under unusual circumstances and goes beyond that which is normally expected of most law enforcement officers, where crime is prevented, life and property protected, criminals apprehended or other extraordinary service is provided in the line of duty.

**C. Life Saving Citation**

The lifesaving citation shall be issued to an officer who personally saves a life. The lifesaving effort will normally involve one of the learned life-supporting processes: mouth to mouth resuscitation, cardiopulmonary resuscitation, the Heimlich Maneuver for choking victims or control of bleeding. Actions meriting this award shall be significant actions by the officer and not routine measures, unless such measures are performed under difficult or dangerous conditions.

The citation shall be awarded only if the victim survives. The request for a citation shall be accompanied by a document from witnesses or an attending physician stating that the methods applied contributed significantly to the saving of a life. When the life-saving effort is significant, but the victim does not survive, the professional excellence award may be appropriate.

	<p style="text-align: center;">Office of the Sheriff Genesee County</p> <p style="text-align: center;"><b>Policies and Procedures</b></p>	<p style="text-align: center;"><b>General Order</b></p> <p style="text-align: center;"><b>6</b></p> <p style="text-align: center;"><b>Page 2 of 4</b></p>
	<p><b>Title: AWARDS AND RECOGNITIONS      Revised 10/10/2002</b></p>	<p><b>Date: 05-18-99</b></p>

D.     Purple Heart Citation

The Purple Heart Citation shall be awarded to officers who have been wounded in the line of duty due to the actions of an aggressor.

E.     Citation for Professional Excellence

The Citation for Professional Excellence shall be for services rendered by a member which does not come within the Valor, Meritorious or Life Savings Awards, but which the Sheriff wishes to formally recognize as an act of outstanding service. This award shall also be used to recognize the actions of a non-Sheriff's Office employee, who, acting in their official capacity as an employee of another agency, contributed significantly in assisting the Office of the Genesee County Sheriff in an investigation.

F.     Sheriff's Commendation


The Sheriff's Commendation shall be a citation given at the discretion of the Sheriff to another officer who is deserving of special recognition for services rendered to the Office of the Sheriff of Genesee County.

G.     Training Medal

When an employee provides documentation that he/she has completed eighty (80) hours of training, above basic correction and police academy training, an emblem with one (1) star will be awarded. An emblem with two (2) stars will be awarded for training of one hundred sixty hours (160) or more, up to a maximum of five (5) stars for four hundred (400) hours.

Supervisors will receive a one (1) star emblem for forty (40) hours of supervision training, a two (2) star emblem for eighty (80) hours of supervision training, etc., up to a maximum of five (5) stars for four-hundred (400) hours.

Training emblems issued by agencies other than the Genesee County Sheriff's Office will not be worn.

	<p style="text-align: center;">Office of the Sheriff Genesee County</p> <p style="text-align: center;"><b>Policies and Procedures</b></p>	<p style="text-align: center;"><b>General Order</b></p> <p style="text-align: center;"><b>6</b></p> <p style="text-align: center;"><b>Page 3 of 4</b></p>
<b>Title: AWARDS AND RECOGNITIONS</b>	<b>Revised 10/10/2002</b>	<b>Date: 05-18-99</b>

## II. Types of Emblems

### A. Medal for Valor

The emblem for the Medal of Valor consists of a blue, white and blue gold bar with the letters VALOR in gold in the middle of the white sections.

### B. Medal for Meritorious Service

The emblem for the medal for Meritorious Service consists of a blue, red and blue, gold bar with the letters MERIT in bold in the middle red section.

### C. Medal for Lifesaving

The emblem for lifesaving consists of a service bar, red, white and red, with a red cross in the middle white section. For a second lifesaving award, two red crosses will be in the middle white sections, etc.

### D. Purple Heart Medal

The emblem for the Purple Heart Medal will be a solid purple service bar.


### E. Sheriff's Commendation

The emblem for the Sheriff's Commendation will be a service bar, brown, white and brown with a gold Sheriff's star in the middle white section.

### F. The Emblem for Training will be a gold bar with a brown insert and a gold star(s). For supervisors, the emblem is gold with white star(s).

### G. Certificate of Appreciation

A certificate of appreciation may be presented to civilians who assist members of the Sheriff's Office in the apprehension of a criminal or in any other way that tends to physically endanger the citizen. This includes actions by citizens who are instrumental in the apprehension of any criminal and for extraordinary actions taken to protect life or property. All employees of the Sheriff's Office are urged to submit any significant incident involving the assistance of a citizen, for consideration. A certificate of appreciation may also be presented to civilians who have demonstrated longstanding service to the Sheriff's Office by volunteering professional services to further the mission of the Office of the Sheriff of Genesee County.

	<p style="text-align: center;">Office of the Sheriff Genesee County</p> <p style="text-align: center;"><b>Policies and Procedures</b></p>	<p style="text-align: center;"><b>General Order</b></p> <p style="text-align: center;"><b>6</b></p> <p style="text-align: center;"><b>Page 4 of 4</b></p>
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### **III. Promotion, Retirement Award Recognition Procedure**

Periodically, the Sheriff will hold award ceremonies where individuals will be appropriately recognized.

### **IV. Award From Other Agencies**

If an employee receives an award from another agency, this award will be placed in their personnel file. A summary of the circumstances that led to the employee receiving the award will be forwarded to the Awards Committee. The Awards Committee will review and determine if the award fits the criteria to receive an award from the Genesee County Sheriff Office. If the award fits the criteria, an award and emblem will be awarded by the Sheriff.

Emblems awarded by agencies other than the Genesee County Sheriff's Office will not be worn.

Office of the Sheriff Genesee County

# Citation for Valor

Awarded to

IN RECOGNITION OF PERFORMANCE OF A HAZARDOUS DUTY AND RISKING  
YOUR LIFE IN SO DOING. YOUR ACT WAS OF SUCH AN EXTRAORDINARY  
NATURE THAT YOU EXPOSED YOURSELF TO PERIL ABOVE AND  
BEYOND THE CALL OF DUTY.

AWARDED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19 \_\_\_\_\_



\_\_\_\_\_  
Sheriff, Robert J. Pickell

Office of the Sheriff Genesee County

# Meritorious Citation

Awarded to

IN RECOGNITION OF PERFORMANCE WHICH GOES BEYOND THAT WHICH IS  
NORMALLY EXPECTED, WHERE CRIME IS PREVENTED, LIFE AND PROPERTY  
PROTECTED, CRIMINALS APPREHENDED, OR OTHER EXTRAORDINARY  
SERVICE PROVIDED IN THE LINE OF DUTY.

AWARDED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_



\_\_\_\_\_  
Sheriff, Robert J. Pickell

Office of the Sheriff Genesee County

# Life Saving Citation

Awarded to

IN RECOGNITION OF PERFORMANCE WHOSE SIGNIFICANT ACTIONS  
SAVED THE LIFE OF ANOTHER PERSON.

AWARDED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19 \_\_\_\_\_



\_\_\_\_\_  
Sheriff, Robert J. Pickell

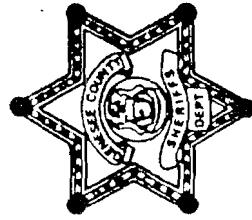
Office of the Sheriff Genesee County

# Purple Heart Citation

Awarded to

IN RECOGNITION OF PERFORMANCE FOR BEING WOUNDED  
IN THE LINE OF DUTY.

AWARDED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_



Sheriff, Robert J. Pickell

Office of the Sheriff Genesee County

# Sheriff's Commendation

Awarded to

IN RECOGNITION OF PERFORMANCE AND SERVICE TO THE OFFICE OF  
SHERIFF GENESEE COUNTY THAT IS ABOVE AND BEYOND THE CALL OF  
DUTY AND HAS SIGNIFICANTLY ASSISTED THE SHERIFF IN CARRYING OUT  
THE MISSION OF THE SHERIFFS OFFICE.

AWARDED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_



\_\_\_\_\_  
Sheriff Robert J. Pickell

Office of the Sheriff Genesee County

# Citation for Professional Excellence

Awarded to

IN RECOGNITION OF PERFORMANCE FOR OUTSTANDING SERVICE.

AWARDED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19 \_\_\_\_\_



\_\_\_\_\_  
Sheriff, Robert J. Pickell



# *In Appreciation*

PRESENTED TO

---

FOR OUTSTANDING SERVICE RENDERED TO

**Office of the Sheriff Genesee County**


THE APPRECIATION AND GRATITUDE OF THE SHERIFF'S  
OFFICE IS ACKNOWLEDGED FOR EXEMPLIFYING A HIGH  
DEGREE OF COMMUNITY SERVICE

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Dated

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Sheriff, Robert J. Pickell

	<div>Office of the Sheriff</div> <div>Genesee County</div> <div>Policies and Procedures</div>	<div>General Order</div> <div>7</div> <div>Page 1 of 4</div>
Title: Harassment and Discrimination Policy		Date: 5/16/99

## **HARASSMENT OF AND DISCRIMINATION AGAINST SHERIFF'S OFFICE EMPLOYEES**

Harassment of or discrimination against Office of the Sheriff, Genesee County County employees based on race, color, national origin, sex, religion, age, handicap or other areas protected by law is prohibited. These rights are guaranteed by Title VII of the Civil Rights Act of 1964, as amended; the Michigan Elliot-Larsen Civil Rights Act of 1976, as amended; the Michigan Handicappers Civil Rights Act, 1976 PA 220, as amended; the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973; Genesee County Sexual Anti-Harassment Policy, and applicable employee contracts.


This order provides resources for counseling and methods for filing complaints for employees who believe they may be victims of harassment or discrimination by other employees. All complaints alleging harassment or discrimination or information indicating the same, shall be properly documented, investigated and resolved. All employees, including the parties directly involved, witnesses and investigators shall act with discretion and maintain strict confidentiality in all matters addressed herein.

Employees who believe they are victims of harassment or discrimination are encouraged to report it through the normal chain of command without unnecessary delay. Supervisors shall assist employees in assessing the situation, provide information, suggest other resources, explore possible strategies available for problem resolution when appropriate and/or start the formal complaint process.

Due to the sensitive nature of many harassment and discrimination complaints, or if a supervisor in the employee's chain of command is involved, employees may choose to contact the Undersheriff, Sheriff or the Genesee County Affirmative Action Officer.

Retaliatory action or conduct of any kind taken by any employee of the Sheriff's Office against an employee as the result of that employee having sought redress under this policy is strictly prohibited and shall be regarded as a separate and distinct violation.

Following is the Genesee County Sexual Anti-Harassment Policy, which provides definitions, complaint procedure and other procedural information taken from the Genesee County Personnel Policy Manual.

	<div>Office of the Sheriff Genesee County</div> <div>Policies and Procedures</div>	<div>General Order</div> <div>7</div> <div>Page 2 of 4</div>
Title: Harassment and Discrimination Policy		Date: 5/16/99

### 23.1 Purpose

The Genesee County Board of Commissioners fully recognizes that sexual harassment is a violation of the Civil Rights Act of 1964, Title VII, as amended and constitutes unlawful sex discrimination. Therefore, the purpose of this policy is to establish clearly and unequivocally that the County of Genesee prohibits sexual harassment of its employees in any form, and to establish procedures by which such allegations of sexual harassment may be filed, investigated and adjudicated. It is the County's intent in establishing this policy to provide a means of equitably resolving sexual harassment complaints.


### 23.2 Definition

Sexual harassment shall be defined within this policy as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.


### 23.3 Complaint Procedure

The following procedure may be utilized by county employees for the processing of complaints relating to sexual harassment. This policy shall apply only to those complaints filed by a person, who is at the time of filing the complaint, an employee of the county and whose complaint is directed against a person, who at the time of the filing of the complaint, is an elected county official, county officer or county employee. The procedure may be utilized with regard to complaints concerning both supervisory personnel and co-employees. While the procedure itself is not directly applicable to complaints involving non-employees of the county, any sexual harassment from such individuals in the county workplace should be brought to the attention of the employee's supervisor and/or the Affirmative action Officer. The following specific complaint procedure shall be deemed consistent with the general complaint procedure in the Genesee County Affirmative Action Plan.

	<div>Office of the Sheriff Genesee County</div> <div>Policies and Procedures</div>	<div>General Order</div> <div>7</div> <div>Page 3 of 4</div>
Title: Harassment and Discrimination Policy		Date: 5/16/99

## **PROCEDURES**

1. An employee may contact the Affirmative action Officer or his/her designee in any case of alleged sexual harassment.
2. If complainant elects to meet with the Affirmative Action Officer or his/her designee, documentation and other notes will be taken during informal processing of complaints and will be kept confidential until such time as disciplinary action is imposed.
3. The Affirmative Action Officer or his/her designee will sensitively attempt to aid complainant in defining the charge and to discuss the process of obtaining sufficient evidence for the county to take corrective action.
4. If complainant does not wish to take further action at that time, he/she must sign a statement to that effect.
5. The complainant whose charge is determined by the Affirmative Action Officer or his/her designee to be unwarranted shall be informed by the Affirmative Action Officer or his/her designee of options by which the matter may still be pursued.
6. If the complainant's charge has merit, the Affirmative Action Officer or his/her designee will formally tell complainant of the investigation to follow, necessary proof to be established, confrontations to be had with the accused, that personnel records will be reviewed and that eventually all anonymity and confidentiality will necessarily be foregone.
7. If the complainant elects to have the county take corrective action, the Affirmative action Officer or his/her designee will proceed with a detailed examination of what has taken place. The complainant shall also swear and affirm that the facts in the complaint are true to the best of complainant's belief, knowledge and information.
8. The Affirmative Action Officer or his/her designee shall then formally investigate the complaint, which may include additional interviews with the complainant; interview of the accused; review of personnel files as to evidence of prior friction between parties, previous complaints and work records; and interviews of witnesses or possible witnesses based upon the investigation. The Affirmative Action Officer shall attempt to resolve the matter appropriately.

	<div>Office of the Sheriff Genesee County</div> <div>Policies and Procedures</div>	<div>General Order</div> <div>7</div> <div>Page 4 of 4</div>
Title: Harassment and Discrimination Policy		Date: 5/16/99

9. If the complaint is not satisfactorily resolved, the matter may be presented to the Affirmative Action Sub-Committee. All documentation and the Affirmative Action Officer's recommendation shall be presented to the Sub-Committee, which shall determine the appropriateness of disciplinary action.
10. Disciplinary action will be contingent upon the degree of the offense and will be determined on a case-by-case basis. Such determination may include suspension or dismissal and shall be subject to the provision of any applicable collective bargaining agreement or Genesee County Personnel Policy Manual.

### **CONFIDENTIALITY**

The complaint filed including all information and documents pertaining to the complaint shall remain confidential until and unless formal disciplinary action is imposed arising out of such complaint, or unless disclosure becomes legally mandated.

#### **23.4 Representation**

The complainant and/or the accused may seek the assistance of any appropriate collective bargaining representative in presenting and attempting to resolve a harassment complaint and in preventing any future reoccurrence of such complaint.

#### **23.5 Other Remedies**

This sexual harassment complaint policy does not relinquish any employee's right to file a complaint under an appropriate collective bargaining grievance procedure or civil rights complaint process.

	<p style="text-align: center;"><b>Office of the Sheriff Genesee County</b></p> <p style="text-align: center;"><b>Policies and Procedures</b></p>	<p style="text-align: center;"><b>General Order</b></p> <p style="text-align: center;"><b>8</b></p> <p style="text-align: center;">Page 1 of 3</p>
<b>Title: OUTSIDE EMPLOYMENT POLICY</b>	<b>Date: 9/2/99</b>	

## **OUTSIDE EMPLOYMENT POLICY**


The Office of the Sheriff Genesee County acknowledges the right of employees to engage in outside employment, but in an effort to preserve the integrity of the department and of its individual employees and the public confidence in the department, the following regulations will govern the conduct both on and off duty as it applies to receiving compensation for work other than official Sheriff business.

### **I. APPROVAL**

- a) The enclosed form, authorization for outside employment, must be completed and submitted for approval through channels prior to any outside work being performed.
- b) Approval must be obtained for every employment opportunity. One form for each employer.
- c) Approval must be renewed annually on January 1st of each year
- d) All status changes must be submitted through channels. For example, when outside employment ceases.

### **II. PROHIBITED EMPLOYMENT**

- a) Any employer that the Sheriff has regulatory controls over; i.e. liquor establishments.
- b) Security guard work without being licensed in accordance with the State Private Investigator Security Guard Law, Act 330, Public Acts of 1968. This includes any security guard work in a police uniform.
- c) Other police departments when on departmental probation. See section IIIc for restrictions if authority to work is approved.
- d) When the location of this activity would not permit the employee to be available for call to emergency duty. (Military leave is excluded from this provision)

	<p style="text-align: center;"><b>Office of the Sheriff Genesee County</b></p> <p style="text-align: center;"><b>Policies and Procedures</b></p>	<p style="text-align: center;"><b>General Order</b></p> <p style="text-align: center;"><b>8</b></p> <p style="text-align: center;"><b>Page 2 of 3</b></p>
<b>Title: OUTSIDE EMPLOYMENT POLICY</b>	<b>Date: 9/2/99</b>	

- e) Engage in work for criminal defense attorneys if the employment in any way relates to the defense of a criminally charged person.

### **III. OUTSIDE EMPLOYMENT RESTRICTIONS**

- a) Once outside employment is approved, employees may not, in any way, use department equipment, vehicles, telephones or LEIN. This includes department issued firearms, or engage in outside employment business during regular business hours.
- b) Once outside employment is approved, employees must perform their department job in a satisfactory manner.
- c) Employees approved to work in another police agency will do so only under the following conditions:
  - 1) The prospective police agency assumes all liability for their actions.
  - 2) An insurance policy shall be provided to cover all costs incurred in the defense of, settlement of, or award granted in any lawsuit involving an employee's activities in his or her outside employment.
  - 3) Firearms must be issued or approved by the prospective agency and at no time will an employee use a Sheriff Department issue weapon in the course of outside employment.
  - 4) An employee subpoenaed as a result of actions undertaken at an outside agency requiring on duty time off to meet court requirements for appearance must utilize personal or vacation time as appropriate and should receive compensation from that prospective agency. Any employee requiring time off without time on the books will take a no-pay day.
  - 5) Employees shall not wear a Sheriff Department uniform while appearing in court for a non-Sheriff Department matter.
  - 6) Employees receiving a subpoena for an outside employment matter shall notify their direct supervisor as soon as practical so that adequate staffing can be scheduled so as to offset the utilization of unnecessary overtime.

### **IV. REVOCATION**

- a) Approval for outside employment may be revoked for any of the following reasons:

	<div>Office of the Sheriff</div> <div>Genesee County</div> <div>Policies and Procedures</div>	<div>General Order</div> <div>8</div> <div>Page 3 of 3</div>
Title: OUTSIDE EMPLOYMENT POLICY		Date: 9/2/99

- 1) The outside employment or business activity is adversely affecting the satisfactory performance of all duties and responsibilities.
- 2) Violation of any restrictions of this General Order.

Questions regarding these outside employment guidelines shall be directed through the chain of command to the Sheriff.

# Office of the Sheriff – Genesee County

*Sheriff Robert Pickell*

Employee Name: \_\_\_\_\_ Date: \_\_\_\_\_

## AUTHORIZATION FOR OUTSIDE EMPLOYMENT

Under the provisions of "Sheriff Department Rules and Regulations", General Order #8, the undersigned employee herein submits a request for authorization to hold outside employment which will not interfere with his / her duties with this Department.

This request is based on the following information, paragraphed in parallel with the General Order listed above:

- A. (Nature of employment or business, give firm name and location.)
- B. (Duties to be performed)
- C. (Time devoted; to include numbers and what hours and days, etc.)
- D. (Will employee be READILY available for Department call and duty. Give telephone number of contact, etc.)
- E. (Anticipated length of employment, termination date, etc.)
- F. (Reasons for employment.)

Additional information to support and / or justify this request may be placed on reverse side of this form.

Respectfully Submitted,

\_\_\_\_\_  
(Signature & Rank of Employee)

Date of Decision: \_\_\_\_\_


Approved: \_\_\_\_\_ (Until: \_\_\_\_\_) (Indefinitely: \_\_\_\_\_)

Disapproved: \_\_\_\_\_ (Reasons for Disapproval) \_\_\_\_\_

\_\_\_\_\_  
Signature & Rank

Distribution: Original to Department File / Duplicate to Employee

Instructions: Answer all questions listed. Cross out items not applicable

	<p style="text-align: center;">Office of the Sheriff Genesee County</p> <p style="text-align: center;"><b>Policies and Procedures</b></p>	<p style="text-align: center;">General Order</p> <p style="text-align: center;"><b>9</b></p> <p style="text-align: center;">Page 1 of 2</p>
<b>Title: CONTAINMENT TEAM (CT)</b>	<b>Date: 9/3/99</b>	

## **PURPOSE**

To create a well trained, well equipped team of Genesee County Police Deputies to be available for rapid response to critical incidents such as; school violence, hostage situations, barricaded gunmen, raid entry, bomb complaints, dignitary protection, high risk search and arrests and other situations as deemed appropriate by the Sheriff.

## **GENERAL POLICY**

The Containment Team is not intended to be a SWAT Team. The Sheriff Department does not have the resources to commit personnel to the type of training and equipment that is necessary to assume the responsibility and liability that goes with a SWAT Team.

Rather, the Containment Team will serve to be a first responder to critical incidents or special threat situations. Action by the Containment Team will depend on each individual circumstance. The CT Sergeant or acting team commander, will determine if immediate action is to be taken or if the incident should be contained until a SWAT Team arrives to handle the inner perimeter.

## **REQUESTS FOR CONTAINMENT TEAM**


Approval for activating the Containment Team shall be by the Sheriff, Undersheriff, or Captain.

## **TRAINING**


CT members shall train on a regular scheduled basis. Training shall include firearms and any other training deemed necessary by the Sheriff. Members must remain in excellent physical condition and be available for call upon short notice.

## **OPERATIONS**

- a) When CT members are activated they shall act as a team. They shall not be separated or operate under the command of other police agencies.
- b) Once the team takes action, it is preferable that they follow through with reports, arrests, prosecutions, etc. However, this should be worked out at the scene between the CT Sergeant and ranking police official at the scene, as there may be circumstances where the requesting police agency insists on doing this.
- c) A Paramedic unit shall be dispatched to the scene of every Containment Team activation and stand by until the scene is cleared or released by the CT Sergeant.

	<p>Office of the Sheriff Genesee County</p> <p><b>Policies and Procedures</b></p>	<p>General Order</p> <p><b>9</b></p> <p>Page 2 of 2</p>
<b>Title: CONTAINMENT TEAM (CT)</b>		<b>Date: 9/3/99</b>

- d) When the scene is cleared, the CT Sergeant will, as soon as possible, report the actions of the CT via special report and submit it through channels to the Sheriff.

	<p style="text-align: center;"><b>Office of the Sheriff Genesee County</b></p> <p style="text-align: center;"><b>Policies and Procedures</b></p>	<p style="text-align: center;"><b>General Order</b></p> <p style="text-align: center;"><b>10</b></p> <p style="text-align: center;"><b>Page 1 of 4</b></p>
<p style="text-align: center;"><b>Title: PROPERTY AND EVIDENCE PROCEDURES</b> <b>Revised 8/27/04, 5/24/07</b></p>		<p style="text-align: center;"><b>Date: 9/2/99</b></p>

## **POLICY**

It is the policy of the Office of the Sheriff to ensure that evidence/property in its custody can be properly secured and stored, readily retrieved, and that any changes in custody have been properly documented.

Evidence/property that has been held by the Office of the Sheriff must be disposed of in a manner authorized by law. Evidence/property will be disposed of in a systematic manner in order to avoid an overwhelming accumulation of property items. Under no circumstances will an employee convert any evidence/property of this type to his/her use.

### **Definitions**

Items coming into the possession of the Sheriff's Office will be classified as follows:

- a) **Evidence**: This includes items that may be used in conjunction with criminal proceedings. For example, recovered stolen property, illegal narcotics, or any other evidence or contraband that has been seized during the execution of lawful acts by a deputy.
- b) **Found Property**: This includes items that the owner of the property is unknown. For example, property of value found by a citizen or police officer and turned over to a member of the Sheriff's office.
- c) **Stored Property**: Property for which the identify of the owner is known, however has not yet been claimed. An example may be guns held for safekeeping

## **PROCEDURE**


Whenever evidence/property is located, it should not be disturbed until it has been determined if measurements, photographs or a crime scene sketch is necessary. Proper care should be used if evidence is to be checked for fingerprints.

### **I Preservation**

- a) The integrity of evidence/property should be protected by selecting a container that will guard the evidence/property against damage or contamination. Place each item in its own container (plastic bag or paper wrapping). Evidence to be fingerprinted, wet, marijuana, or biohazardous material is to be packaged in paper.
- b) The container must be sealed and an evidence/property label filled out and attached. Proper label for biohazard or sharps should be affixed to the bag.
- c) The evidence/property must be entered into the computer system at the Sheriff's Office by the deputy that recovered the evidence/property. Only one item of evidence/property will appear on a property receipt
- d) Evidence/property that is illegal narcotics must be weighed before being packaged. The weight must be listed on the property receipt and property label. If the illegal narcotics are pills, the pills must be counted and weighed.
- e) Currency must be counted and broken down by denomination.

Example: \$50.00 in US Currency:

1 x \$20.00 bill	=	\$20.00
1 x \$10.00 bills	=	\$10.00
4 x \$ 5.00 bills	=	\$20.00

	<p style="text-align: center;"><b>Office of the Sheriff Genesee County</b></p> <p style="text-align: center;"><b>Policies and Procedures</b></p>	<p style="text-align: center;"><b>General Order</b></p> <p style="text-align: center;"><b>10</b></p> <p style="text-align: center;"><b>Page 2 of 4</b></p>
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Total: \$50.00

- f) A complete description of the property must be listed on the property receipt and property label.  
Example: 30.06 Remington rifle with Tasco Scope and brown sling, serial #1234
- g) Any evidence or property that has a serial number must have the serial number appear on the property receipt and property label. The deputy receiving the evidence/property will check the serial numbers through LEIN and indicate on the property receipt and property label - Stolen or Clear LEIN. Processed evidence/property will be secured in the storage bins located outside the property room. The original, white, property/evidence receipt will be placed alongside the property/evidence. The yellow and pink copies of the property/evidence receipt will be turned in with the deputy's report. The secretarial staff will forward the pink (3<sup>rd</sup>) copy of the evidence/property receipt to the Captain of Detectives.
- h) The property room deputy is responsible for transferring property/evidence from the storage bins to the property/evidence room. Property room deputy has the right to refusal of any evidence/property that is not properly packaged.
- i) Deputies assigned to substations may process evidence/property at the substation and place property/evidence in secure bins. The sergeant assigned will be responsible for delivering property/evidence to the property room.


## **II Chain of Possession**

The correct methods used in collecting, identifying and packaging evidence/property may be nullified if a Sheriff's officer cannot account for all persons who have handled, examined or stored the evidence/property. The chain of possession begins when the evidence/property is discovered and continues until it is presented in court. Each deputy is responsible for maintaining the chain of possession and protecting the integrity of the evidence/property.

To accomplish this, the deputy will:

- a) Limit the number of persons who handle the evidence/property from the time it is discovered until it is presented in court.
- b) Evidence/property that is turned over to another deputy or department will be properly noted in the evidence computer, including date, time and to whom it was given. This includes evidence/property taken to the crime lab for analysis. The person receiving the evidence/property will sign in the appropriate area.
- c) When evidence/property is returned, the deputy shall verify it is the same item and is in the same condition as when it was recovered. Entry will also be made in the evidence/property computer, including time, date and who returned the evidence/property.
- d) Evidence/property discovered incident to a lawful arrest shall be processed in the same manner as if it were discovered at the scene of a crime.

## **III Computer Printed Property Receipt**

	<p style="text-align: center;"><b>Office of the Sheriff</b> <b>Genesee County</b></p> <p style="text-align: center;"><b>Policies and Procedures</b></p>	<p style="text-align: center;"><b>General Order</b>  <b>10</b></p> <p style="text-align: center;"><b>Page 3 of 4</b></p>
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- a) The computer printed evidence/property receipt shall be properly filled out and signed. The original (white) copy is to be kept with the property/evidence and is maintained by the property room deputy.
- b) The 2nd (yellow) copy of the evidence/property receipt shall be kept with the printed case file, and will be attached to the front of the printed case report.
- c) The 3rd (pink) copy of the evidence/property receipt will be maintained by the Captain of Law Enforcement in a control file.

Exception - Section IV


#### **IV Storage of Evidence/Property**

- a) The property room deputy will be responsible for the safe and secure storage of all evidence/property. U.S. currency that is turned into the Property Room, pursuant to Michigan statute, U.S. currency shall be held in the condition it was seized for sixty (60) days. During this time Defense Counsel may inspect said U.S. currency. Once the sixty (60) days has elapsed, a photocopy of the bills showing denominations, and serial numbers shall be deposited in the Genesee County Treasurer's Office. The property room deputy shall maintain a file of original property receipts (white) for all property/evidence in storage.
- b) When the property room deputy deposits money into accounts at the Genesee County Treasurer's Office, the property room deputy will forward the Treasurers' Office receipt, along with the original (white) copy of the property receipt to the Captain. The Captain will maintain the Treasurer's receipt and the pink and white copies of the property receipt of monies in the control file. When the sergeant in charge of the case disposes of the currency, the sergeant will forward the yellow copy to the Captain indicating the currency was disposed of. The Captain will update the control file and forward the yellow copy to the property room deputy and the pink copy to the sergeant in charge of the case.

#### **V Final Disposition of Property/Evidence**

- a) The final disposition of evidence/property shall be the responsibility of the sergeant assigned to that case. Property may be returned to the owner, forfeited, sold at public auction or destroyed. All evidence stored will be held until it has been used in court and all appeals pertaining to the evidence have been exhausted, or a decision made that it will not be used in court. When evidence is to be disposed of, it shall either be destroyed, or sold at public auction, depending on the type of property. This procedure will always be accomplished in accordance with State law.
- b) Evidence, found property and stored property will be held for a period of time as applicable by State law. If the owner is still not able to be located, the property shall be either destroyed, or sold at public auction, depending on the type of property. This procedure will always be accomplished in accordance with State law.
- c) Seized property will be held for a period of time as applicable by State law. It shall be disposed of by forfeiture, destroyed, or sold at public auction.
- d) Found property with a value of over \$150.00 can be disposed of after six months.
- e) Found property with a value of under \$150.00, can be disposed of after three months.
- f) Stored property can be disposed of 30 days after notification has been made to owner

#### **VI. Property After Final Disposition**

	<p style="text-align: center;"><b>Office of the Sheriff Genesee County</b></p> <p style="text-align: center;"><b>Policies and Procedures</b></p>	<p style="text-align: center;"><b>General Order</b></p> <p style="text-align: center;"><b>10</b></p> <p style="text-align: center;"><b>Page 4 of 4</b></p>
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When the sergeant in charge of the case that the property/evidence was received determines property/evidence can be disposed of the following will occur:

- a) **The Sergeant will forward a copy of the J Screen from the computer regarding the case file to the Property Deputy indicating the property can be disposed of.**
- b) **After disposal of the property, the Property Deputy will remove the pink copy from the active files located in the Captain's office. The pink copy will be disposed of.**
- c) **The Property Deputy will keep the white copy filed in the Property Room.**
- d) **The yellow copy will remain in the case file.**
- e) Exception - Section IV

#### **VII Destruction of Property**

Evidence/property that is scheduled to be destroyed shall be disposed of in a manner authorized by law. Destruction of property will be witnessed by the property room deputy and a lieutenant from the Law Enforcement section. All witnesses must sign the property receipt as being destroyed.

#### **VIII Inventory**

An annual inventory of property will be conducted by the Sheriff or his/her designee, to determine what property should be disposed of. Complete records will be kept in an area designated by the Sheriff, of all property dispositions.

**GENESEE COUNTY SHERIFF DEPARTMENT PROPERTY REPORT**

Property Type:  
Incident Type:

Date:

Incident #

Obtained From:  
Where Obtained:

Seized by: \_\_\_\_\_  
Signature: \_\_\_\_\_

Work Unit: \_\_\_\_\_

Property Received:

Secured in:

Reviewed by: \_\_\_\_\_

Investigator: \_\_\_\_\_

\*\*\*\*\*

Item #: \_\_\_\_\_ Description: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Make: \_\_\_\_\_ Model #: \_\_\_\_\_ Serial #: \_\_\_\_\_

\*\*\*\*\*

Released by: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Received by: \_\_\_\_\_ Address: \_\_\_\_\_

\*\*\*\*\*

Final Disposition: \_\_\_\_\_ Approved: \_\_\_\_\_

Destroyed by: \_\_\_\_\_ Method: \_\_\_\_\_ Witness: \_\_\_\_\_

\*\*\*\*\*

**Chain of Custody**

Item #: \_\_\_\_ Date: \_\_\_\_ Released by: \_\_\_\_ Received by: \_\_\_\_ Purpose: \_\_\_\_

Item #: \_\_\_\_ Date: \_\_\_\_ Released by: \_\_\_\_ Received by: \_\_\_\_ Purpose: \_\_\_\_

Item #: \_\_\_\_ Date: \_\_\_\_ Released by: \_\_\_\_ Received by: \_\_\_\_ Purpose: \_\_\_\_

Item #: \_\_\_\_ Date: \_\_\_\_ Released by: \_\_\_\_ Received by: \_\_\_\_ Purpose: \_\_\_\_

Item #: \_\_\_\_ Date: \_\_\_\_ Released by: \_\_\_\_ Received by: \_\_\_\_ Purpose: \_\_\_\_

Item #: \_\_\_\_ Date: \_\_\_\_ Released by: \_\_\_\_ Received by: \_\_\_\_ Purpose: \_\_\_\_

Item #: \_\_\_\_ Date: \_\_\_\_ Released by: \_\_\_\_ Received by: \_\_\_\_ Purpose: \_\_\_\_

Item #: \_\_\_\_ Date: \_\_\_\_ Released by: \_\_\_\_ Received by: \_\_\_\_ Purpose: \_\_\_\_

Item #: \_\_\_\_ Date: \_\_\_\_ Released by: \_\_\_\_ Received by: \_\_\_\_ Purpose: \_\_\_\_

If evidence has been previously submitted to the laboratory on this incident please indicate the

Laboratory Case Number: \_\_\_\_\_

Submitting Agency Information:

County Code:	Jurisdiction Number:
Agency Name:	Telephone:
Address: (Street, City, State, Zip Code)	
Evidence Delivered By:	Report/Extra Copies To: (if different from above)
Individual To Contact For More Information Pertaining To This Case:	Telephone:

**Case Information:**

Agency Incident Number:	File Class: 00-
-------------------------	--------------------

Type of Examination Requested:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Victim(s):	Last	First	Middle
	Last	First	Middle
	Last	First	Middle
	Last	First	Middle

Elimination:	Last	First	Middle
	Last	First	Middle
	Last	First	Middle

Suspect(s):	Last	First	Middle	SID	Race	Sex	DOB
	Last	First	Middle	SID	Race	Sex	DOB
	Last	First	Middle	SID	Race	Sex	DOB

**Comments**

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

AUTHORITY: P.A. 59 of 1935  
COMPLIANCE: Voluntary

GENESEE - SHIAWASSEE COUNTY A.F.I.S. CONSORTIUM  
F.P.D./A.F.I.S. PHONE NUMBER 810-233-6148  
810-766-7201  
FAX NUMBER 810-766-7030

A.F.I.S. SERVICE REQUEST FORM

A.F.I.S FILE # \_\_\_\_\_

TYPE OF CASE:  
(choose one)

UNK DECEASED \_\_\_\_\_

LATENT \_\_\_\_\_

TENPRINT \_\_\_\_\_

Date Evidence Deposited \_\_\_\_\_ Locker # \_\_\_\_\_ Time \_\_\_\_\_  
(if Applicable)

Officer Depositing \_\_\_\_\_ Agency \_\_\_\_\_

Officer in Charge \_\_\_\_\_ Phone \_\_\_\_\_ FAX \_\_\_\_\_

Type of Crime \_\_\_\_\_ Complaint # \_\_\_\_\_ Date of Crime \_\_\_\_\_

\*\*\*\*\*

Description of Evidence Deposited: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*\*\*\*\*

Evidence to be:

\_\_\_\_\_ Processed for latent prints

\_\_\_\_\_ Searched thru AFIS (Latents or  
Tenprint Cards)

\_\_\_\_\_ Latents compared to suspects  
(Suspects prints provided)

\_\_\_\_\_ Latents to be compared to suspects  
(No suspects prints provided). List  
below: Name of suspect(s), Sex/Race  
DOB, and SID # or Dept. holding prints:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[illegible]

## Genesee County Sheriff Department

Complaint # \_\_\_\_\_ Date: \_\_\_\_\_

Deputy: \_\_\_\_\_

Item# \_\_\_\_\_ Description: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PROPERTY LABEL

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Title: DOMESTIC VIOLENCE POLICY		Date: 11/8/99

## **I. PURPOSE AND GOALS**

### **Purpose**

Domestic violence is criminal behavior. This policy defines the Office of the Sheriff Genesee County's commitment to and the officer's responsibility in responding to domestic violence. The establishment of this policy is intended to help eliminate indecision in the minds of agency personnel and to create confidence in officers when exercising judgment in the performance of their duties.

### **Goals**

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

1. Establish arrest as the preferred response to domestic violence;
2. Hold assailants accountable;
3. Protect victims;
4. Reduce domestic homicides;
5. Reduce domestic assaults;
6. Reduce police call-backs;
7. Reduce injuries to officers;
8. Reduce liability risks for the department.

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## **II. RESPONSE AND INVESTIGATION**

### **A. Officer Response**

Responding officers shall approach the scene as a criminal investigation. Officers should use appropriate precautionary procedures when approaching and entering the scene.

#### **Recommended Procedures**

1. Upon arrival officers shall establish contact with all parties involved, separating the parties while remaining in sight of each other. Officers shall identify and secure weapons and objects that can be used as weapons.
2. Officers should attempt to create a calm, safe environment in which to conduct the criminal investigation.
3. Officers should determine the need for medical attention (if not already dispatched).
4. Officers should attempt to provide for the safety and care of children when necessary (e.g., by other family members, contact with FIA, etc.)

### **B. On-scene Investigation**

#### **Recommended Procedures**

1. Officers should interview the victim, suspect and other witnesses, including children, separately and as fully as circumstances allow. Officers should be aware that the presence of the assailant may intimidate the victim, children, and other witnesses.
2. In order to respond effectively to the present incident, the officer will need to know historical information. The officer should avoid displaying an attitude of disinterest or blame. The officer should ask the victim questions such as the following, using supportive interview techniques:
  - a) When was the first time this happened? How often has it happened? What was the worst incident? When did it occur?
  - b) What weapons were used?
  - c) Has the suspect ever been arrested for assaulting you or another family member?

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d) When was the last time you were treated by a doctor or hospitalized for injuries inflicted by the suspect?

e) Has the suspect been following, calling, threatening, (stalking) you?

3. Officers should identify and collect all possible evidence, including:

- a) Documentation of excited utterances made by those present,
- b) Statements from the parties and other witnesses,
- c) Documentation of injuries - both visible and complained of,
- d) Description of the victim's general appearance,
- e) Description of the scene,
- f) Photographs of any injuries and of the scene,
- g) Photographs of victim and children at the scene whenever possible,
- h) Weapons and objects used as weapons.

4. Officers should request the recording of the original call be held and tagged as evidence.

5. Officers should assess the lethality of the situation by considering the indicators of a life threatening attack such as the assailant has:

- a) Threatened to kill,
- b) Threatened to take the victim hostage,
- c) Threatened the children,
- d) Threatened to use or used a weapon,
- e) Killed or mutilated a pet,

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- f) Knowledge that the victim is leaving or filing for divorce,
- g) Access to weapons,
- h) A history of weapons use,
- i) A history of domestic violence,
- j) A history of assaultive behavior,
- k) Engaged in stalking behavior,
- l) Access to the victim and/or the victim's family,
- m) Threatened suicide
- n) An alcohol or drug addition.

When an arrest is made, documentation of lethality factors can provide critical information later when bond is set by a magistrate or as the basis for holding the assailant longer based on a determination that it is unsafe to release the assailant (MCLA 780.581).

If the assailant has access to firearms, officers should request the court require, as a condition of the assailant's release, the removal of all firearms from the home in accordance with agency policy. (See section IV of this policy.)

#### Recommended Procedures

- a) If the assailant has threatened suicide consider taking the assailant for a psychiatric evaluation, where appropriate.
- b) If the assailant has engaged in stalking behavior the victim should be advised to seek a Personal Protection Order (PPO).
- c) Officers should document all conduct that constitutes stalking behavior.
- d) Officers should seek a warrant for stalking if the assailant has engaged in two or more acts of unconsented contact.
- e) If the assailant has threatened the children, a report to children's protective services may be required.

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- f) If indicators of lethality are identified officers should determine if new probable cause for an arrest has been established based upon the lethality assessment.

Officers should document the presence of weapons and ask for removal of the weapons from the home as a condition of bond.

6. Officers should determine what crimes they have probable cause to believe were committed and who committed them.
7. Officers should determine if they have probable cause to believe that there is or has been a violation of a personal protection order (PPO).
8. Officers should determine if they have a probable cause to believe there is or has been a violation of a condition of release (conditional bond), probation or parole
9. Complaints of child abuse by a parent or guardian.

When investigating complaints of child abuse officers should refer to the Michigan Penal Code, section 750.1 36b for guidance. It states in part: "This section shall not be construed to prohibit a parent or guardian, or other person permitted by law or authorized by the parent or guardian, from taking steps to reasonably discipline a child including the use of reasonable force."

10. Complaints of Elder Abuse

When investigating complaints of elder abuse, the complaint shall be investigated and treated the same as any other domestic violence complaint. A custodial arrest should be made and all domestic violence response procedures should be followed. If the victim is a "vulnerable adult" a report to the Family Independence Agency may be required. For legal guidance officers should be directed to MCLA 400.11.

11. Complaints of abuse perpetrated by a minor child  
When investigating complaints of abuse by a minor child, the complaint shall be investigated and treated the same as any other domestic violence complaint. A custodial arrest should be made and local procedures for lodging a minor should be followed.

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### III. PROBABLE CAUSE

**Reasonable cause** is defined in Michigan law as synonymous with probable cause. The probable cause standard applied to domestic violence crimes is no different than the standard applied to all other crimes. Probable cause means any facts and circumstances that would cause a fair-minded person of average intelligence to believe that the suspect has committed or is committing a crime.

There is no requirement that there be corroborating physical evidence or visible injury to establish probable cause. This means that the word of the victim alone, if believed, is sufficient ground for establishing reasonable cause.


- A. Officers should not base a decision not to arrest solely on the absence of visible indications of injury. (MCLA 776.22)
- B. When determining whether probable cause exists to believe that a crime has been committed, an officer should consider factors such as:
  1. Statements made by the victim, assailant, children or other witnesses
  2. Information relayed by the dispatcher
  3. Physical evidence that a crime occurred
  4. Aggressive behavior by the assailant
  5. Information gathered by investigating wounds to determine offensive wounds and defensive wounds
  6. Damaged or broken property in the house
  7. Brandishing a weapon
  8. Existence of a personal protection order (PPO)
- C. When determining whether probable cause exists to believe that a crime has been committed, an officer should not consider any of the following factors:
  1. The lack of a personal protection order (PPO)

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2. The fact that no arrests were made previously
3. The victim's unwillingness to prosecute
4. The officer's belief that there will be no prosecution
5. Verbal assurances by either party that the violence will stop
6. The possibility of reprisals against the victim;
7. The race, ethnicity, sexual preference, social class and/or occupation of the victim or the assailant;
8. Threats by the assailant to sue the police; or negative consequences to the assailant's status in the community.

D. Dual arrests should be avoided where there are allegations of mutual battering. An officer should conduct a thorough criminal investigation to determine who the assailant is by considering:

1. The intent of the law to protect victims of domestic violence
2. The intent of the law that officers should not make dual arrests to avoid conducting a thorough criminal investigation, (MCLA 776.22(3)(b)(M))
3. The degree of injury inflicted on the individuals involved
4. The extent to which the individuals have been put in fear of physical injury to themselves or other members of the household
5. Any prior history of violence; offensive and defensive wounds
6. The size, strength and bulk of the parties
7. The possibility that one of the parties acted in self-defense
8. The apparent ability of each party to do what was alleged
9. Witness statements (including children)
10. Other evidence (e.g. physical or circumstantial)

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- E. Officers shall not arrest an individual if the officer has reasonable cause to believe the individual was acting in lawful self defense or in the lawful defense of another individual (MCLA 776.22).

#### **IV. ARREST**

A. Officers responding to the scene of domestic violence should arrest the assailant in all of the following circumstances:

1. warrant exists
2. felony, misdemeanor, or ordinance violation is committed in the officer's presence (MCLA 764.15 (1)(a)); or
3. Probable cause exists to believe:
  - a) A felony has been committed
  - b) A misdemeanor assault, assault and battery, or aggravated assault has been or is being committed, or a violation of a substantially corresponding local ordinance occurred or is occurring, and the assailant is the spouse or former spouse of the victim, has had a child in common with the victim, or is a person who resides or has resided in the same household as the victim
  - c) The person is in violation of a personal protection order (PPO), (MCLA 764.1 5b(1))
  - d) The person is in violation of a condition of release (MCLA 764.15e)
  - e) The person is in violation of a condition of probation or parole (MCLA 764.15(l)(g)).

- B. Warrantless arrest for violation of a personal protection order (PPO):  
MCLA 764.1 5b (1) Grants an officer the authority to make an arrest without a warrant if the officer has probable cause to believe:

A domestic relationship PPO or non-domestic stalking PPO exists.

The PPO states on its face that violation subjects the violator to immediate arrest and criminal contempt punishable by not more than 93 days and/or a fine of not more than \$500

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The individual is in violation of the PPO by engaging in or having engaged in conduct restrained or enjoined by the PPO (MCLA 764.1 5b(l)).

- C. Warrantless arrest for violation of a condition of release (conditional bond):  
MCLA 764.1 5e(l) grants an officer the authority to make an arrest without a warrant if the officer has probable cause to believe the individual is violating or has violated a condition of release imposed under MCLA 765.6b.
- D. Warrantless arrest for violation of a condition or probation or parole:  
MCLA 764.15(l)(g) grants an officer the authority to make an arrest without a warrant if the officer has probable cause to believe the individual has violated a condition of probation or parole.

The decision to arrest resides with the officer and should not be based upon whether or not the victim will consent to participate in any subsequent prosecution (MCLA 776.22).

#### Recommended Procedures

1. Officers should tell the victim an arrest is about to be made. Whenever possible, officers should avoid surprising the victim or making a physical arrest of the assailant in the victim's presence.
2. Officers should emphasize to the victim and the assailant that the criminal action is being initiated by the officers, not the victim.
3. Officers making an arrest for a felony, misdemeanor or a local ordinance substantially corresponding to an assault or assault and battery, shall act as the complainant and shall swear to the complaint and warrant on information and belief as necessary.
4. MCLA 764.1a provides that a magistrate shall not refuse to accept a complaint alleging an assault, assault and battery, violation of a substantially corresponding local ordinance, or aggravated assault by a spouse or former spouse of the victim, an individual with whom the victim has had a child in common, or, an individual residing or having resided in the same household as the victim on grounds that the complaint is signed upon information and belief by an individual other than the victim
5. When an arrest is made for violation of a personal protection order, officers should investigate and also arrest for any new violation of any criminal law. Arrest for violation of a personal protection order should not affect the decision to arrest for any crime

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6. When an arrest is made for violation of a condition of release (conditional bond) or a condition of probation or parole, officers should also conduct a thorough criminal investigation and arrest for any violation of criminal law. Arrest for violation of a provision of conditional release or a violation of a condition of probation or parole should not affect the decision to arrest for any crime.
7. If the suspect has left the scene, all reasonable attempts to locate and arrest the suspect shall be made. A description shall be disseminated to other officers and locations known to be frequented by the suspect should be checked.
8. If the suspect cannot be located within a reasonable period of time, generally no longer than the end of the officer's tour of duty, a warrant for any crime committed shall be obtained based on information and belief.
9. If probable cause exists to believe that a misdemeanor assault, assault and battery or aggravated assault has been committed, but officers are unable to make a warrantless arrest because the relationship between the assailant and the victim is not spouse, former spouse, reside or resided together in the same household or has had a child in common, the officer should prepare a request for a warrant in accordance with appropriate procedures and advise the victim of the process.
10. If probable cause exists to believe that a misdemeanor other than an assault, assault and battery or an aggravated assault took place, officers should prepare a request for a warrant in accordance with appropriate procedures and advise the victim of the process.


## **V. ENFORCEMENT OF PERSONAL PROTECTION ORDERS (PPOs)**

A personal protection order is a court order requiring enforcement. Violation of a personal protection order by the individual restrained or enjoined is criminal contempt of court. It is the officer's responsibility to enforce all personal protection orders.


- A. Officers responding to a call should arrest an individual enjoined by a personal protection order (PPO) in the following circumstances:
  - a) If the officers have probable cause to believe:
    1. A personal protection order has been issued under either MCLA 600.2950 (domestic relationship PPO) or MCLA 600.2950a (non-domestic stalking PPO);

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2. The personal protection order states on its face that a violation of its terms subjects the individual to immediate arrest and criminal contempt of court and, if found guilty of criminal contempt, the individual shall be imprisoned for not more than 93 days and/or fined not more than \$500; and
  3. The individual named in the personal protection order is in violation of the order (MCLA 764.15b).
- B. An individual is in violation of a domestic relationship PPO if that individual commits one or more of the following acts which the PPO specifically restrains or enjoins the individual from committing:
1. Assaulting, attacking, beating, molesting, or wounding a named individual.
  2. Removing minor children from the individual having legal custody of the children, except as otherwise authorized by a custody or parenting time order issued by a court of competent jurisdiction.
  3. Entering onto premises.
  4. Threatening to kill or physically injure a named individual.
  5. Purchasing or possessing a firearm.
  6. Interfering with petitioner's efforts to remove petitioner's children or personal property from premises that are solely owned or leased by the individual to be restrained or enjoined.
  7. Interfering with petitioner at petitioner's place of employment or engaging in conduct that impairs petitioner's employment relationship or environment (this could include stalking conduct as prohibited by MCLA 750.411 h and MCLA 750.4110.
  8. Any other specific act or conduct that imposes upon or interferes with personal liberty or that causes reasonable apprehension of violence (this could include stalking conduct as prohibited by MCLA 750.411 h and MCLA 750.4110.

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- C. An individual is in violation of a non-domestic stalking PPO if that individual commits one or more of the following acts which the PPO specifically restrains or enjoins the individual from committing:
1. Stalking conduct as prohibited by MCLA 750.411 h or MCLA 750.411 i; or
  2. Purchasing or possessing a firearm.
- D. Officers responding to a call where the individual enjoined or restrained by a personal protection order has been served shall:
1. Verify, via the LEIN or completed proof of service that the individual restrained or enjoined has been served;
  2. Conduct a thorough criminal investigation to establish probable cause that a violation of the PPO or a criminal statute has occurred; and
  3. Arrest the individual for the crimes or violations for which probable cause was established, as provided for by this policy.
- E. Officers responding to a call where the individual enjoined or restrained by a personal protection order has not been served shall:
1. Serve the individual restrained or enjoined with a true copy of the order, or
  2. Advise the individual restrained or enjoined of the existence of the personal protection order, the specific conduct enjoined, the penalties for violating the order and where the individual restrained or enjoined may obtain a copy of the order, and
  3. Enforce the personal protection order;
    - a) The individual must be given an opportunity to comply after service or notice at the scene before the law enforcement officer makes a custodial arrest for violation of the order.
    - b) However, the failure to immediately comply shall be grounds for an immediate custodial arrest (MCLA 600.2950 and MCLA 600.2950a);

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4. Enter or cause the immediate entry into the LEIN, confirmation that the individual restrained or enjoined has received actual notice of the personal protection order. (The original entering agency should immediately modify the LEIN entry to reflect a yes entry on scan line 69); and
5. File a proof of the notification with the court that issued the PPO. (MCR 3.706(E)).

### Recommended Procedures

Upon service or advisement of the individual restrained or enjoined officers should.

1. Immediately complete a proof of service form at the scene in the presence of the enjoined
2. Provide one copy to the victim, along with the required victim's rights notice (See section V11 of this model policy);
3. Forward the original of the proof of service to the issuing court,
4. Immediately notify, via LEIN, the law enforcement agency named by the order as responsible for LEIN entry, that service has been made,
5. Document, in the written report, that the individual restrained or enjoined was served or advised and that the entering agency was notified of such service or advisement via LEIN, and
6. Attach a copy of the proof of service and the LEIN message to the written report.

Arrest for violation of a personal protection order (PPO) does not preclude arrest for the violation of any criminal law.

- F. If the suspect has left the scene, a reasonable attempt to locate and arrest the suspect shall be made. A description to be frequented by the suspect should be checked.
- G. A person arrested for violation of a personal protection order shall not be released on bond. The arrested person shall be brought before a circuit court where the violation occurred within 24 hours after the arrest.
  1. The circuit court shall set a time for a hearing on the alleged violation and shall set bond. If a circuit court judge is not available within 24 hours after arrest, the arrested

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person shall be brought before the district court within 24 hours after the arrest, at which time the district court shall order the defendant to appear before the circuit court for a hearing on the charge and the district court shall set bond (MCLA 764.1 5b).

2. The circuit court of each county has jurisdiction to conduct all contempt hearings for violation of any PPO. The circuit court that issued the personal protection order may request that the defendant be returned to that county for a violation of a PPO. Costs associated with the transportation of subjects from one county to another are covered by the county of the court requesting the transportation (MCLA 764.1 5b).

- H. Officers shall enforce personal protection orders issued by the court of another state or a tribal court consistent with this policy and as if they had been issued by a Circuit Court of this State.

The Violence Against Women Act, (VAWA), was passed by the United States Congress in 1994 as Title IV of the Violent Crime Control and Law Enforcement Act of 1994. Sections 2265 and 2266 require states and tribal courts to enforce valid civil and criminal protection orders issued by foreign states and tribal courts as though they were issued in the state doing the enforcement.


- I. A thorough criminal investigation should be documented and the assailant should be arrested for any crimes committed even if the officer is unable to enforce a foreign personal protection order.
- J. Officers must document their response and investigation.

## **VI. ENFORCEMENT OF A CONDITIONAL RELEASE ORDER (CONDITIONAL BOND)**

- A. Officers responding to a scene of domestic violence should arrest the assailant when the officers have probable cause to believe the assailant is in violation of a conditional release order (conditional bond) imposed under MCLA 765.6b. Officers should determine whether the assailant has been released on conditional bond via the LEIN.
- B. When an officer makes an arrest for violation of a conditional release order, the officer shall prepare a "Complaint of Violation of Conditional Release" as required by MCLA 764.15e containing:
  1. The officer's name and badge number
  2. A statement of verification of the order

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3. A statement of conditions of release
  4. A description of the probable cause established that the assailant violated the conditions.
- C. If the arrest occurred within the jurisdiction of the court that imposed the conditions of release, the officer shall:
1. Immediately provide the original and one copy of the complaint to that court
  2. Immediately provide one copy of the complaint to:
    - a. the assailant
    - b. the prosecuting attorney for the case in which the conditional release was granted
  3. Retain one copy of the complaint
  4. Bring the assailant before that court within one business day following the arrest
- D. If the arrest occurred outside the jurisdiction of the court that imposed the conditions of release, the officer shall:
1. Immediately provide the original and one copy of the complaint to the district or municipal court where the violation occurred
  2. Immediately provide one copy of the complaint to the assailant
  3. Retain one copy of the complaint
  4. Bring the assailant before the district or municipal court where the violation occurred within one business day following the assailant's arrest.
- E. Officers should document the violation and state and reasons why it is not safe to release the assailant on interim bond before the assailant is brought before the court.
- F. The arresting agency or officer in charge of the jail shall make a determination whether it is safe to release the assailant before the assailant is brought before the court.

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- G. If the assailant is held for more than twenty-four (24) hours without being brought before the court, the officer in charge of the jail shall note in the jail records the reason it was not safe to release the assailant on interim bond.
- H. If it is determined that it is safe, the assailant may be released on interim bond of not more than \$500.00 requiring the assailant to appear at the opening of court the next business day.

## **VII NOTICE OF VICTIM'S RIGHTS**

- A. After conducting a thorough criminal investigation at a domestic violation scene, officers shall provide the victim with a written notice of rights that includes all of the following (MCLA 764.15c):
  - 1) The name and telephone number of the responding police agency.
  - 2) The name and badge number of the responding officer.
  - 3) The following statement: "You may obtain a copy of the police incident report for your case by contacting this law enforcement agency at the telephone number provided."
  - 4) The domestic violence shelter program and other resources in your area are\_\_\_\_\_: (include local information)
  - 5) Information about emergency shelter, counseling services, and the legal rights of domestic violence victims is available from these resources.
  - 6) Your legal rights include the right to go to court and file a petition requesting a personal protection order to protect you or other members of your household from domestic abuse which could include the following:
    - a) An order restraining or enjoining the abuser from entering onto premises.
    - b) An order restraining or enjoining the abuser from assaulting, attacking, beating, molesting or wounding you.
    - c) An order restraining or enjoining the abuser from threatening to kill or physically injure you or another person.

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- d) An order restraining or enjoining the abuser from removing minor children from you, except as otherwise authorized by a custody or parenting time order issued by a court of competent jurisdiction.
- e) An order restraining or enjoining the abuser from engaging in stalking behavior.
- f) An order restraining or enjoining the abuser from purchasing or possessing a firearm.
- g) An order restraining or enjoining the abuser from interfering with your efforts to remove your children or personal property from premises that are solely owned or leased by the abuser.
- h) An order restraining or enjoining the abuser from interfering with you at your place of employment or engaging in conduct that impairs your employment relationship or environment.
- i) An order restraining or enjoining the abuser from engaging in any other specific act or conduct that imposes upon or interferes with your personal liberty or that causes a reasonable apprehension of violence.

## **VII. POLICY IF NO ARREST CAN BE MADE**


- A. Officers should not leave any domestic violence scene until the scene has been calmed and the immediate safety of all parties has been provided for.
- B. Officers must provide or arrange for emergency assistance to victims including, but not limited to, medical care, transportation to a shelter or remaining at the scene of an alleged incident of domestic violation for a reasonable time until, in the reasonable judgment of the police officer, the likelihood of further imminent violence has been eliminated. (MCLA 776.22(3)(f)).
- C. Officers should assess the lethality of the situation by considering indicators of a life threatening attack such as the assailant has:
  - 1) threatened to kill
  - 2) threatened to take the victim hostage
  - 3) threatened the children

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- 4) threatened to use or used a weapon
- 5) killed or mutilated a pet
- 6) knowledge that the victim is leaving or filing for divorce
- 7) access to weapons
- 8) history of weapons use
- 9) history of domestic violence
- 10) history of assaultive behavior, engaged in stalking behavior
- 11) access to the victim and/or the victim's family
- 12) threatened suicide
- 13) has an alcohol or drug addiction

When an arrest is made, documentation of lethality factors can provide critical information later when bond is set by a magistrate or as the basis for holding the assailant longer based on a determination that it is unsafe to release the assailant (MCLA 780,581).

- D. Temporary separation can be suggested in these situations. Officers should encourage one party to leave, providing protection while essential property is collected in preparation for leaving and providing assistance with transportation whenever possible. Officers shall provide the victim with a rights notice as required by MCLA 764.15c (Defined in Section VII, Notice of Victim's Rights of this model policy).
- 1) Officers should discuss with the victim the factors of lethality identified and the danger she may be in. Officers can inform victims that these are factors that have been found to be predictors of future danger and violence. The victim should be advised to consider these in making the decision to remain at the scene or leave.
  - 2) Officers can assist victims in contacting their local domestic violence service program by dialing the number to put them in touch while still at the scene to provide safety.
- E. Officers shall prepare a written incident report whenever there is a domestic violence response (MCLA 764.15c).

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- F. The responding law enforcement agency shall retain the completed domestic violence report in its files. The law enforcement agency shall also file a copy of the completed domestic violence report with the prosecuting attorney within 48 hours (MCLA 764.15c).

## IX. REPORT WRITING

- A. Officers shall prepare a standard Genesee County Sheriff's domestic violence report whenever there is a domestic violence response (MCLA 764.15c). When documenting a domestic violence response:

- 1) The victim does not have to write a statement.
- 2) The victim does not have to sign the report.
- 3) The victim should not be asked if prosecution is desired.
- 4) The officer shall act as the complainant based on information and belief.

- B. The report must contain, but is not limited to containing, all of the following (MCLA 764.15c):

- 1) The address, date and time of the incident.
- 2) The victim's name, address, home and work telephone numbers, race, sex, and date of birth.
- 3) The assailant's name, address, home and work telephone numbers, race, sex, date of birth and information describing the assailant and whether a Personal Protection Order (PPO) covering the assailant exists.
- 4) The name, address, home and work telephone numbers, race, sex, and date of birth of any witness, including a child of the victim or assailant, and the relationship of the witness to the assailant or victim.
- 5) The name of the person who called the law enforcement agency;
- 6) The relationship of the victim and assailant;
- 7) Whether alcohol or controlled substance use was involved in the occurrence or incident, and by whom;

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8) A brief narrative about the call and the crime scene, describing:

- a) the incident and what led to it
- b) whether and how many times the assailant physically assaulted the victim
- c) any weapon or object used
- d) all injuries sustained by the victim and an explanation of how the injuries were sustained
- e) if the victim sought medical attention, information concerning where and how the victim was transported, whether the victim was admitted to a hospital or clinic and the name and telephone
- f) phone number of the attending physician
- g) any property damage reported by the victim or evident at the scene.

9. A description of any previous incidents involving domestic violence between the victim and the assailant.

10. The date and time of the report, and the name, badge number, and signature of the officer completing the report.

- a) An alternate telephone number at which the victim can be reached should be obtained
- b) Information about the victim's location is not to be released.

C. Officers should document the factors of the lethality identified during the investigation

D. The responding law enforcement agency shall retain the completed domestic violence report in its files. The law enforcement agency shall also file a copy of the completed domestic violence report with the prosecuting attorney within 48 hours (MCLA 764.15c).


E. If factors related to domestic violence are alleged, reasons for the probable cause determination which was made shall be stated whether or not a crime has been committed or an arrest has been made.

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- F. Where probable cause exists but no arrest was made, a written incident report documenting the reasons no arrest was made shall be prepared.
- G. If the victim leaves the scene, the confidentiality of the victim's location shall be maintained.

**X. BONDING POLICY**

- A. A person arrested without a warrant under the authority of MCLA 764.15a or a substantially corresponding local ordinance for a misdemeanor assault, assault and battery or aggravated assault shall not be released on an interim bond or on recognizance.
  - 1) MCLA 780.582a states the assailant shall be held until brought before a magistrate for arraignment. If a magistrate is not available within 24 hours, the suspect shall be held for 20 hours. After 20 hours the suspect can be released on an interim bond or on recognizance.
  - 2) MCLA 780.581(3) provides that the assailant can be held longer than 20 hours based on the opinion of the arresting officer or the agency that it is unsafe to release the assailant.
- B. A person arrested with a warrant for assault, assault and battery, aggravated assault or a substantially corresponding local ordinance where the person is a spouse, former spouse, or a person who resides or has resided in the same household as the victim shall not be released on an interim bond or recognizance.
  - 1) MCLA 780.582a states the assailant shall be held until brought before a magistrate for arraignment. If a magistrate is not available within 24 hours, the suspect shall be held for 20 hours. After 20 hours the suspect can be released on an interim bond or on recognizance.
  - 2) MCLA 780.581(3) provides that the assailant can be held longer than 20 hours based on the opinion of the arresting officer or the agency that it is unsafe to release the assailant.
- C. A person arrested for violation of a personal protection order (PPO) under the authority of MCLA 764.15b shall not be released on interim bond or personal recognizance. The suspect shall be brought before the Court in accordance with this policy.
- D. The arresting officer should completely document the incident to ensure that all necessary information is available to the Prosecutor and Court to ensure appropriate conditions of release are set.

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## **XI. VICTIM ASSISTANCE**

- A. Arrest provides immediate safety and takes control of the situation away from the assailant.
- B. Victim assistance when an arrest is made:
  - 1) Officers must provide or arrange for emergency assistance to victims including, but not limited to, medical care, transportation to a shelter or remaining at the scene of an alleged incident of domestic violence for a reasonable time until, in the reasonable judgment of the police officer, the likelihood of further imminent violence has been eliminated (MCLA 776.22(3)(f)).
  - 2) Officers should not leave any domestic violence scene until the scene has been calmed and the immediate safety of all parties has been provided for.
  - 3) Officers shall provide all victims of domestic violence with notice of rights information as required (MCLA 764.15c). This information must be provided whether or not an arrest was made.
  - 4) Officers should explain the notice of rights information to the victim. Contact should be made with an advocate at the local domestic violence service program whenever possible.

### Recommended Procedures


- A. Victims of domestic violence may require other assistance to meet their immediate needs for safety, medical treatment, shelter and information. Officers should:
  - 1) Help facilitate access to medical assistance. Encourage the victim to seek medical attention, even if it is done later. This can provide evidence of additional injury and/or additional documentation of known injury.
  - 2) Explain to the victim and the assailant that the arrest decision was made by the officers in accordance with the requirements of the law.
  - 3) Facilitate the placement of children if the victim is hospitalized.
  - 4) Provide transportation when safety considerations warrant it. Help arrange transportation in other situations.

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- 5) Explain the importance of photographs and evidence to the victim.
- 6) Attempts should be made to notify the victim of the release of the assailant, whenever possible.
- 7) Attempts to assist the victim in making arrangements for the care of household pets (e.g., advises victim if the local domestic violence shelter has a program for the placement of pets, etc.).

**B. Victim assistance if no immediate arrest could be made**

- 1) If the assailant is gone when the officers arrive, they should discuss a safety plan with the victim for when the assailant returns. Officers should encourage the victim to call the police if the assailant returns.
- 2) Officers should facilitate the victim's immediate contact with a domestic violence service program, whenever possible.
- 3) Officers shall provide all victims of domestic violence with notice of rights information as required. This information must be provided even when an arrest was not made (MCLA 764.15c).
- 4) Officers should explain the notice or rights information to the victim
- 5) If the assailant is still present and an arrest cannot be made, officers should assess the lethality of the situation by considering indicators of a life-threatening situation such as the assailant has:
  - a) threatened to kill
  - b) threatened to take the victim hostage
  - c) threatened the children
  - d) threatened to use or used a weapon
  - e) killed or mutilated a pet
  - f) knowledge that the victim is leaving or filing for divorce

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- g) access to weapons
- h) a history of weapons use
- i) a history of domestic violence
- j) a history of assaultive behavior
- k) engaged in stalking behavior
- l) access to the victim and/or the victim's family
- m) threatened suicide
- n) an alcohol or drug addition

#### Recommended Procedures

- 1) If the assailant has threatened suicide consider taking the assailant for a psychiatric evaluation, where appropriate.
- 2) If the assailant has engaged in stalking behavior the victim should be advised to seek a Personal Protection Order (PPO).
- 3) Officers should document all conduct that constitutes stalking behavior.
- 4) Officers should seek a warrant for stalking if the assailant has engaged in two or more acts of unconsented contact.
- 5) If the assailant has threatened the children a report to children's protective services may be required.
- 6) If indicators of lethality are identified officers should determine if new probable cause for an arrest has been established based upon the lethality assessment.
- 7) Officers should discuss with the victim the factors of lethality identified and the danger she may be in. Officers can inform victims that these are factors that have been found to be predictors of future danger and violence. The victim should be advised to consider these in making the decision to remain at the scene or leave.

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- 8) Officers should encourage victims to contact their local domestic violence service program by dialing the number and putting them in touch while still at the scene to provide safety.
  
- 9) Officers should encourage separation when indicators of the lethality are identified and provide or arrange for transportation to assist one party in leaving whenever possible.

## **XII. SUPERVISION**

### **A. Supervisory Review**

- 1) All responses to a domestic violence call shall be reviewed for compliance with this policy.
  
- 2) When a dual arrest is made, the probable cause for each arrest shall be reviewed by the supervisor to ensure that the intent of the law and this policy was followed

### **B. Supervisory Enforcement**

- 1) Supervisors shall provide feedback to officers to reinforce the intent of this policy.
  
- 2) A supervisor finding violations of the policy shall discipline for noncompliance with the policy (MCLA 776.22).


### **C. Agency Personnel Requirements**

- 1) Agencies should establish a policy that requires officers who are enjoined by a personal protection order to advise the agency administrator or a designee of the existence of such an order and the prohibitions contained in the order.
  
- 2) The PPO statutes allow the victim to request the court to prohibit the purchase or possession of a firearm. This prohibition can be issued ex parte. There is no exemption for law enforcement officers.

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### Recommended Procedures

- 1) Officers should be advised to seek an expedited hearing to address the PPO. MCLA 600.2950 and MCLA 600.2950a require the court to schedule a hearing within five days of the filing of a motion by a law enforcement officer to modify or rescind an ex parte PPO that prohibits the purchase or possession of a firearm. Also, scan line 70, in the LEIN, will contain a "y" if there is a firearm prohibition in the PPO.
- 2) Agencies should develop a policy addressing what action should be taken regarding officers who are prohibited by a personal protection order from possessing a firearm..
- 3) Agencies should conduct an investigation to determine what action should be taken regarding officers who are subject to a personal protection order that does not contain a specific prohibition on the possession of a firearm.
- 4) MCLA 28.422b requires the department of the State Police, upon entry of a PPO into LEIN to send written notice to a person who is the subject of the PPO that they area prohibited from purchasing a pistol or obtaining a license to carry a pistol concealed.
  - (a) The prohibitions against obtaining a permit to purchase a pistol or obtain a permit to carry a weapon concealed are automatic based on the entry of any PPO into the LEIN. These prohibitions would not affect the ability of a law enforcement officer to carry or possess a weapon as required by job requirements.
  - (b) The PPO may also contain a specific prohibition against purchasing or possessing any firearm (see A above). This would prohibit a law enforcement officer from carrying or possessing a firearm even as required by the job.
- 5) 18 U.S.C. SEC.922g. makes it unlawful for any person convicted of a misdemeanor crime of domestic violence to ship, transport, possess or receive firearms or ammunition.
  - a) This statute applies to governmental employees including police officers and would prohibit a law enforcement officer from carrying or possessing a firearm even as required by the job.
  - b) The Bureau of Alcohol, Tobacco and Firearms, (ATF), is charged with the implementation and enforcement of this law.
  - c) The International Association of Police Chiefs (IACP) has issued an advisory bulletin to agencies recommending actions that should be taken. The following recommended procedures are drawn from this source.

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### Recommended Procedures

- 1) Inform all current employees of the new law and its consequences.
- 2) Require officers to inform the agency of all past convictions and that they must immediately promptly notify the agency of new convictions.
- 3) Conduct a survey of employment applications and personnel records to determine if current officers are affected.
- 4) Have every officer complete a qualification inquiry or disclosure form indicating compliance with the law or past history.
- 5) Have all job applicants complete a disclosure statement.
- 6) If a conviction is found a review must be conducted to determine if it is a violation that is covered by sec. 658 which amends section 92 1 (a) of Title 18 of the United States Code by adding at the end the following:
  - a) the term “misdemeanor crime of domestic violence” means an offense that
    - (1) is a misdemeanor under Federal or State law; and
    - (2) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated as a spouse, parent, or guardian of the victim.
  - b) A person shall not be considered to have been convicted of such an offense for purposes of this chapter, unless:
    - (1) the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and
    - (2) in the case of a prosecution for an offense described in this paragraph for which a person was entitled to a jury trial in the jurisdiction in which the case was tried, either:
      - (a) the case was tried by a jury, or

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(b) the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise.

- (3) A person shall not be considered to have been convicted of such an offense for purposes of this chapter if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense) unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms."

F. Law enforcement agencies must prohibit the transfer of weapons and ammunition to individuals affected by 18 U.S.C. SEC. 922g. as defined in SEC. 658. 18U.S.C. SEC.922g. also makes it unlawful for anyone to transfer or sell a firearm and/or ammunition to an individual convicted of a crime of domestic violence.

### **XIII. TRAINING**

#### Initial Training

- A. All affected agency personnel shall be trained to follow this policy. The training must be sufficient to ensure an understanding of the provisions of this policy (MCLS 776.22).
- B. All affected agency personnel shall be given a copy of the policy and shall be responsible for knowing, understanding and complying with the provisions of the policy.

#### Ongoing Training

- A. Ongoing training, supervision and accountability are essential for minimizing the risk of liability.
- B. Policy review training shall be sufficient to create an understanding and retention of the requirements of this policy. Personnel shall be able to properly articulate this policy on the witness stand in court.

TIME / DATE OF INCIDENT	DISPATCH TIME	ARRIVAL TIME	TIME CLEARED	<b>CALL RECEIVED</b>	
NAME OF PERSON WHO CALLED THE POLICE				<input type="checkbox"/> 911 SINGLE CALL	
ADDRESS OF PERSON WHO CALLED THE POLICE				<input type="checkbox"/> 911 MULTIPLE CALLS	
				<input type="checkbox"/> OTHER	
INCIDENT LOCATION: <input type="checkbox"/> Home <input type="checkbox"/> Work <input type="checkbox"/> School <input type="checkbox"/> Vehicle <input type="checkbox"/> Store <input type="checkbox"/> Hotel <input type="checkbox"/> Bar/Club <input type="checkbox"/> Other _____					
ADDRESS		CITY	COUNTY NO.	TOWNSHIP NO.	

## VICTIM

Victim's Identifying or Contact Information May be Exempt from Disclosure Under the Freedom of Information Act and Crime Victim's Rights Act.

LAST NAME		FIRST NAME		MIDDLE NAME	
RACE	SEX	DATE OF BIRTH	HEIGHT	WEIGHT	
ADDRESS		CITY		ZIP CODE	
TELEPHONE: (Home) ( )		(Work) ( )		(Cellular) ( )	
CONTACT PERSON IF DIFFERENT FROM ABOVE				TELEPHONE ( )	
ADDRESS		CITY		ZIP CODE	

## SUSPECT ARRESTED ☐ YES ☐ NO

LOCATION LODGED

CHARGE

LAST NAME		FIRST NAME		MIDDLE NAME	
RACE	SEX	DATE OF BIRTH	HEIGHT	WEIGHT	HAIR COLOR
OPERATOR'S LICENSE NUMBER		SOCIAL SECURITY NUMBER			
ADDRESS		CITY		ZIP CODE	
TELEPHONE: (Home) ( )		(Work) ( )		(Cellular) ( )	

## VICTIM RELATIONSHIP WITH OFFENDER IS (Check One)

Length Of Relationship \_\_\_\_\_ Years \_\_\_\_\_ Months

- ☐ Spouse ☐ Former Spouse ☐ Has Had Child In Common ☐ Dating Relationship ☐ Former Dating Relationship  
☐ Resident of the Same Household as Partner or Intimate Partner  
☐ Former Resident of the Same Household as Partner or Intimate Partner

IF VICTIM IS RESIDENT OR FORMER RESIDENT BUT **NOT** AS A PARTNER OR INTIMATE PARTNER (Check One):

- ☐ Parent ☐ Child ☐ Sibling ☐ Grandparent ☐ Grandchild ☐ Roommate ☐ Other \_\_\_\_\_

## VICTIM INJURIES

DESCRIBE HOW INJURIES OCCURRED IN NARRATIVE

BACK	FRONT	<input type="checkbox"/> FATAL <input type="checkbox"/> COMPLAINT OF PAIN <input type="checkbox"/> COMPLAINT OF STRANGULATION <input type="checkbox"/> NECK PAIN <input type="checkbox"/> INVOLUNTARY URINATION OR DEFECATION <input type="checkbox"/> SORE THROAT <input type="checkbox"/> RASPY VOICE <input type="checkbox"/> DIFFICULTY SWALLOWING <input type="checkbox"/> SCRATCH MARKS <input type="checkbox"/> ROPE OR CORD BURN <input type="checkbox"/> RED LINEAR MARKS OR BRUISING <input type="checkbox"/> NECK SWELLING <input type="checkbox"/> BRUISING <input type="checkbox"/> FRACTURE <input type="checkbox"/> ABRASIONS <input type="checkbox"/> CONCUSSION <input type="checkbox"/> BURNED/LOSS OF TEETH <input type="checkbox"/> BURNS <input type="checkbox"/> CUTS <input type="checkbox"/> GUNSHOT WOUND <input type="checkbox"/> LACERATIONS <input type="checkbox"/> NONE <input type="checkbox"/> LOSS OF CONSCIOUSNESS <input type="checkbox"/> OTHER _____
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## SUSPECT INJURIES

DESCRIBE HOW INJURIES OCCURRED IN NARRATIVE

BACK	FRONT	<input type="checkbox"/> FATAL <input type="checkbox"/> COMPLAINT OF PAIN <input type="checkbox"/> COMPLAINT OF STRANGULATION <input type="checkbox"/> NECK PAIN <input type="checkbox"/> INVOLUNTARY URINATION OR DEFECATION <input type="checkbox"/> SORE THROAT <input type="checkbox"/> RASPY VOICE <input type="checkbox"/> DIFFICULTY SWALLOWING <input type="checkbox"/> SCRATCH MARKS <input type="checkbox"/> ROPE OR CORD BURN <input type="checkbox"/> RED LINEAR MARKS OR BRUISING <input type="checkbox"/> NECK SWELLING <input type="checkbox"/> BRUISING <input type="checkbox"/> FRACTURE <input type="checkbox"/> ABRASIONS <input type="checkbox"/> CONCUSSION <input type="checkbox"/> BURNED/LOSS OF TEETH <input type="checkbox"/> BURNS <input type="checkbox"/> CUTS <input type="checkbox"/> GUNSHOT WOUND <input type="checkbox"/> LACERATIONS <input type="checkbox"/> NONE <input type="checkbox"/> LOSS OF CONSCIOUSNESS <input type="checkbox"/> OTHER _____
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VICTIM MEDICAL TREATMENT	SUSPECT MEDICAL TREATMENT
<input type="checkbox"/> NONE <input type="checkbox"/> WILL SEEK OWN <input type="checkbox"/> FIRST AID RENDERED <input type="checkbox"/> EMT <input type="checkbox"/> HOSPITAL <input type="checkbox"/> CLINIC <input type="checkbox"/> REFUSED	<input type="checkbox"/> NONE <input type="checkbox"/> WILL SEEK OWN <input type="checkbox"/> FIRST AID RENDERED <input type="checkbox"/> EMT <input type="checkbox"/> HOSPITAL <input type="checkbox"/> CLINIC <input type="checkbox"/> REFUSED
TRANSPORTED BY: (Name) _____	TRANSPORTED BY: (Name) _____
HOSPITAL _____	HOSPITAL _____
NAMES OF TREATING PHYSICIAN/NURSE _____	NAMES OF TREATING PHYSICIAN/NURSE _____
TELEPHONE OR PAGER NUMBER _____	TELEPHONE OR PAGER NUMBER _____
ADMITTED: <input type="checkbox"/> YES <input type="checkbox"/> NO	ADMITTED: <input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> PATIENT SIGNED RELEASE FOR MEDICAL RECORDS	<input type="checkbox"/> PATIENT SIGNED RELEASE FOR MEDICAL RECORDS

ALCOHOL / CONTROLLED SUBSTANCE USE AT TIME OF INCIDENT	
VICTIM	SUSPECT
<input type="checkbox"/> Alcohol <input type="checkbox"/> Controlled Substance (Detail What and How Used in Narrative)	<input type="checkbox"/> Alcohol <input type="checkbox"/> Controlled Substance (Detail What and How Used in Narrative)

WEAPONS	DESCRIBE WEAPON USE IN NARRATIVE	WEAPON RECOVERED <input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> PERSONAL (Hands, Fists, Feet)	<input type="checkbox"/> BLUNT OBJECT <input type="checkbox"/> CUTTING INSTRUMENT	<input type="checkbox"/> HANDGUN <input type="checkbox"/> LONG GUN
<input type="checkbox"/> FIREARM-TYPE UNKNOWN	<input type="checkbox"/> POISON <input type="checkbox"/> EXPLOSIVE	<input type="checkbox"/> OTHER _____

EVIDENCE		
<input type="checkbox"/> PICTURES <input type="checkbox"/> Digital <input type="checkbox"/> Polaroid <input type="checkbox"/> 35mm	<input type="checkbox"/> PICTURES OF <input type="checkbox"/> Scene <input type="checkbox"/> Children <input type="checkbox"/> Injuries <input type="checkbox"/> Victim <input type="checkbox"/> Suspect <input type="checkbox"/> Follow-up Pictures to be Taken (Date _____)	<input type="checkbox"/> PHYSICAL EVIDENCE GATHERED (Describe in Narrative) <input type="checkbox"/> PROPERTY DAMAGE (Describe in Narrative) <input type="checkbox"/> CRIME LAB CALLED <input type="checkbox"/> TELEPHONE DISCONNECTED/DAMAGED <input type="checkbox"/> 911 TAPE  OTHER EVIDENCE <input type="checkbox"/> Letters <input type="checkbox"/> Answering Machine <input type="checkbox"/> Caller ID <input type="checkbox"/> Phone Records <input type="checkbox"/> Video Tapes <input type="checkbox"/> Audio Tapes <input type="checkbox"/> Other

WITNESSES			
LAST NAME		FIRST NAME	MIDDLE NAME
RACE	SEX	DATE OF BIRTH	
ADDRESS		CITY	ZIP CODE
TELEPHONE: (Home) (   )		(Work) (   )	(Cellular) (   )
RELATIONSHIP TO VICTIM	RELATIONSHIP TO SUSPECT		STATEMENT TAKEN BY

LAST NAME		FIRST NAME	MIDDLE NAME
RACE	SEX	DATE OF BIRTH	
ADDRESS		CITY	ZIP CODE
TELEPHONE: (Home) (   )		(Work) (   )	(Cellular) (   )
RELATIONSHIP TO VICTIM	RELATIONSHIP TO SUSPECT		STATEMENT TAKEN BY

**WITNESSES (Continued)**

LAST NAME		FIRST NAME		MIDDLE NAME	
RACE		SEX		DATE OF BIRTH	
DRESS			CITY		ZIP CODE
TELEPHONE: (Home) ( )		(Work) ( )		(Cellular) ( )	
RELATIONSHIP TO VICTIM		RELATIONSHIP TO SUSPECT		STATEMENT TAKEN BY	

LAST NAME		FIRST NAME		MIDDLE NAME	
RACE		SEX		DATE OF BIRTH	
ADDRESS			CITY		ZIP CODE
TELEPHONE: (Home) ( )		(Work) ( )		(Cellular) ( )	
RELATIONSHIP TO VICTIM		RELATIONSHIP TO SUSPECT		STATEMENT TAKEN BY	

**RISK FACTORS / LETHALITY ASSESSMENT**

DURING INVESTIGATION, ATTEMPT TO IDENTIFY THE FOLLOWING PAST OR PRESENT RISK FACTORS. (Check all that apply and give a detailed explanation in the Narrative)

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Gun Present or Accessible to Suspect           | <input type="checkbox"/> Increased Frequency / Severity of Violence             | <input type="checkbox"/> Suspect Threatened to Kill: _____  |
| <input type="checkbox"/> Suspect Has Used or Threatened to Use a Weapon | <input type="checkbox"/> Suspect is Violent Outside the Relationship            | <input type="checkbox"/> Suspect Threatened Suicide         |
| <input type="checkbox"/> Recent Separation or Threatened Separation     | <input type="checkbox"/> Suspect Destroyed Cherished Personal Items             | <input type="checkbox"/> Suspect Violent Toward Children    |
| <input type="checkbox"/> Suspect Abuses Alcohol or Other Drugs          | <input type="checkbox"/> Suspect Attempts to Control Partner's Daily Activities | <input type="checkbox"/> Suspect Has Injured or Killed Pets |
| <input type="checkbox"/> Suspect Accuses Victim of Cheating             | <input type="checkbox"/> Victim is Currently Pregnant                           | <input type="checkbox"/> Suspect has Forced Sex on Victim   |

**PRIOR DOMESTIC VIOLENCE HISTORY BY SUSPECT ☐ YES ☐ NO****PROVIDE DETAIL IN NARRATIVE**PREVIOUSLY KNOWN TO WITNESSES ☐ YES ☐ NO

If YES, Where and When Reported (Include Out of State) \_\_\_\_\_

**PERSONAL PROTECTION ORDER IN EFFECT**☐ YES ☐ NO (Court \_\_\_\_\_ )**FOREIGN PROTECTION ORDER IN EFFECT**☐ YES ☐ NO (Court \_\_\_\_\_ )**PROTECTIVE CONDITION OF RELEASE OR PROBATION ORDER IN EFFECT**☐ YES ☐ NO (Court \_\_\_\_\_ )**FOREIGN PROTECTIVE CONDITION OF RELEASE OR PROBATION ORDER IN EFFECT**☐ YES ☐ NO (Court \_\_\_\_\_ )**VICTIM ASSISTANCE**

- ☐ CRIME VICTIM RIGHTS INFORMATION PROVIDED
- ☐ DOMESTIC VIOLENCE VICTIM RIGHTS AND SERVICE INFORMATION PROVIDED

**INTERPRETER SERVICES PROVIDED**VICTIM ☐ YES ☐ NO LANGUAGE \_\_\_\_\_SUSPECT ☐ YES ☐ NO LANGUAGE \_\_\_\_\_**\*LIST INTERPRETERS IN WITNESS BOX**

## **DOMESTIC VIOLENCE NOTICE**

**GENESEE COUNTY SHERIFF DEPARTMENT  
1002 S. SAGINAW ST.  
FLINT, MI 48502**

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### **SHERIFF DEPT. PERSONNEL WHO MAY BE ABLE TO ASSIST YOU:**

**EMERGENCY - CALL 911**

**RECORDS - 257-3417 (for a copy of a police report)**

**\* If you are not notified of an arrest in your case you may call the  
Genesee Co. Sheriff Dept. Detective Bureau at 257-3460 for the  
status of the case.**

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### ***INFORMATION FOR VICTIMS OF DOMESTIC VIOLENCE***

#### **SHELTERS AND INFORMATION:**

**Safehouse - YWCA Domestic Violence Safehouse.....810-238-7233  
& Sexual Assault Services.....FAX# 810-238-3813  
Emergency Shelter of Flint.....810-233-0689  
Harvest House Shelter.....810-233-6848  
Domestic Violence Hotline.....24HR.....1-800-996-6228  
Parent Helpline.....24HR.....1-800-942-4357  
Runaway "RAP Line".....24HR.....1-800-292-4517  
Drug/Alcohol Abuse Hotline.....24HR.....1-800-662-2873**

#### **VICTIM ASSISTANCE SERVICES:**


**Genesee County Prosecutor's Office / Crime Victims Services.....810-257-3493  
Crime Victims Compensation Board.....517-373-7373  
P.O. Box 30026, Lansing, MI 48909  
Victim's Advocacy Program/Flint City Attorney's Office.....810-766-8994  
Domestic Violence Connection.....810-230-3795**

Information about emergency shelter, counseling services, and the legal rights of domestic violence victims is available from these resources.

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Your legal rights include the right to go to court and file a petition requesting an injunctive order to protect you or other members of your household from domestic abuse which could include the following:

- An order restraining or enjoining the abuser from entering onto a premises.
- An order restraining or enjoining the abuser from assaulting, beating, molesting, or wounding you.
- An order restraining or enjoining the abuser from threatening to kill or physically injure you or another person.
- An order restraining or enjoining the abuser from removing minor children from you, except as otherwise authorized by a custody or visitation order issued by a court of competent jurisdiction.
- An order restraining or enjoining the abuser from engaging in stalking behavior.

	<p style="text-align: center;"><b>Office of the Sheriff Genesee County</b></p> <p style="text-align: center;"><b>Policies and Procedures</b></p>	<p style="text-align: center;"><b>General Order</b></p> <p style="text-align: center;"><b>12</b></p> <p style="text-align: center;"><b>Page 1 of 4</b></p>
<p style="text-align: center;"><b>Title: VEHICLE INVENTORY POLICY</b> <b>Revised 11-19-01, 5-24-07</b></p>		<p style="text-align: center;"><b>Date: 11/8/00</b></p>

## **POLICY**

It is the policy of the Office of the Sheriff Genesee County that any vehicle impounded must be property inventoried and have a Genesee County Sheriff's Office Vehicle Impound Slip completed and filed with the case report. Attachment A.


It is the intent of this policy to afford a citizen whose vehicle has been impounded, the security of knowing their property will be properly secured from vandalism or intrusion. This policy will also provide the maximum protection possible to the vehicle and its contents thus eliminating the possibility of accusation and embarrassment to the Genesee County Sheriff's Office by routinely cataloging and securing the contents of an impounded vehicle.

## **PURPOSE**

To establish the policy of inventorying personal property left in all vehicles impounded, held or stored by this office.

### **I. VEHICLES TO BE INVENTORIED**

- A: All officers shall conduct an inventory of the items of personal property contained in any vehicle which is:
1. stored while an arrested owner or custodian of the vehicle is being processed in the criminal matter for which he/she was arrested;
  2. stored or otherwise held while the owner or custodian of the vehicle is a party to an investigation of a criminal matter which may result in his/her arrest;
  3. stored for safe-keeping after having been stolen or abandoned;
  4. removed because the vehicle is deemed to be a traffic hazard;
  5. removed from an area where parking is prohibited;

	<p style="text-align: center;">Office of the Sheriff Genesee County</p> <p style="text-align: center;"><b>Policies and Procedures</b></p>	<p style="text-align: center;">General Order  <b>12</b>  Page 2 of 4</p>
<p style="text-align: center;"><b>Title: VEHICLE INVENTORY POLICY</b> <b>Revised 11-19-01, 5-24-07</b></p>		<p style="text-align: center;"><b>Date: 11/8/00</b></p>

6. confiscated under a drug violation;
7. held pending proof of ownership;
8. abandoned vehicle;
9. vehicles involved in serious or fatal accidents;

## **EXCEPTION**


Vehicle towed from an accident scene at the owner's request are not impounded vehicles. Genesee County Sheriff's Officers shall call the designated tow company based on current Departmental Policy. If the driver or owner has no particular request, the closest and most expeditious service should be called.

If a vehicle is involved in a crime and a search of the vehicle becomes necessary, it may be housed at the Genesee County Sheriff's Office garage until the proper search procedure is carried out. When completed, the vehicle will be released to the owner or placed in storage by the tow company.

**BEFORE RELEASING ANY VEHICLE TOWED TO THE COUNTY BUILDING,  
THE TOW BILL MUST BE PAID TO THE COMPANY THAT TOWED THE  
VEHICLE**

## **II. METHOD OF INVENTORY**

- A. The vehicle removed, stored or otherwise held shall be inventoried, as soon as practical, by one of the officers investigating the case in which the vehicle is involved. All compartments of the vehicle, the trunk, containers locked and unlocked, and all items of personal property believed to be of reasonable value shall be listed. A deputy may use his/her discretion whether or not to open a closed container. A container shall be defined as a thing that contains or can contain something.
- B. The inventory list may be handwritten and shall be made on the Vehicle Inventory Form, attachment A. Upon completion, the Vehicle Inventory Form shall be signed by the deputy making the inventory and attached to the complaint report and kept on file by this department. One copy is given to the tow company upon removal.

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<p style="text-align: center;"><b>Title: VEHICLE INVENTORY POLICY Revised 11-19-01, 5-24-07</b></p>		<p style="text-align: center;"><b>Date: 11/8/00</b></p>


- C. Any damage to the vehicle, regardless of how minor, either interior or exterior shall be noted.
- D. On occasion, items located will include property which will need to be seized and properly labeled as evidence. Evidence items shall not be left in the vehicle. General Order #10 shall be followed for evidence taken from the vehicle.
- E. Some items located will often include property which, because of its value, and because of the department's responsibility to safeguard the property, will need to be removed from the vehicle, properly labeled, and stored in the department property storage area. General Order #10 for stored property shall be followed for these items.

### **III. RELEASING OF VEHICLES**

Unless necessary to preserve evidence, vehicles should not be held contrary to the wishes of an owner who is in custody and who wishes the vehicle turned over to a friend or relative.

### **IV. CLEARING IMPOUNDED VEHICLES FOR RELEASE (VIENNA TOWNSHIP)**

If the impounded vehicle has a police hold for investigation, verify that the vehicle has been cleared, for release by the Detective Bureau. Also, verify that the vehicle has proper registration and insurance. Copy the registration and insurance certificate, and attach it to the file. If the impounded vehicle is being released to anyone but the owner, a notarized letter from the owner must give the Sheriff's Office permission to release the vehicle to another person. The original copy must be kept with the file. The owner, and/or the person picking up the impounded vehicle, must also provide a driver's license or Michigan Identification card to be copied and attached. Complete an "Impound Release Sheet" (Attachment A), filling in all of the blanks. One copy is to be retained at the Vienna Township Sub-station, and the other is to be given to the person picking up the vehicle, to take to the towing company.

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**V. COLLECTION OF IMPOUND FEE**

If a Sheriff's Office employee collects an impound fee, give the original receipt (Attachment B) to the customer. The fee payment may be taken to the township clerk's office where a second receipt with the complaint number on it shall be affixed to the receipt book. If there is no one available, the fee payment shall be affixed to the receipt copy and dropped in the evidence bin.


Money taken as impound release fees is to be turned over to the Vienna Township Office at the end of each business day by the Sergeant assigned to Vienna Township. Vienna Township will issue a receipt.

The receipt issued by Vienna Township along with Copy #1 that had been attached to the money will be maintained in a control file in the Sergeant's Office at Vienna Township.

An audit should be done by a Senior Command Officer, (Lieutenant or higher rank) at least twice a year.

ENTER IN LEIN: ☐ YES ☐ NO

BADGE #

	<p style="text-align: center;">Office of the Sheriff Genesee County</p> <p style="text-align: center;"><b>Policies and Procedures</b></p>	<p style="text-align: center;"><b>General Order</b></p> <p style="text-align: center;"><b>13</b></p> <p style="text-align: center;"><b>Page 1 of 6</b></p>
<b>Title: CONFIDENTIAL SOURCES</b>	<b>Date: 12-1-00</b>	

**I. PURPOSE:**


To establish policy, procedures, and guidelines for the use of Confidential Informants (CI's).

**II. DEFINITION:**

A person who, under the direction of a Sheriff's Office Member, and with or without expectation of compensation, provides information on a criminal matter, or performs a lawful service for the Sheriff's Office in its investigation of criminal activity, and whose identity must be kept in confidence.

**III. ESTABLISHING A PERSON AS A CONFIDENTIAL SOURCE:**


- A. A person may be established as a confidential source upon approval of a command officer. (Lieutenant or above rank).
- B. The Captain of Law Enforcement shall be contacted for a confidential source number for each person being identified and used as a confidential source.
  1. This contact shall be made by the submission of the original copy of the confidential source card. (See Attachment A)
  2. The Captain of Law Enforcement will conduct a search of files to determine if the person has a confidential source number already assigned.
    - a. Assign a confidential source number if none already exists.
  3. The confidential source number shall be used to identify the source in all reports or other material pertaining to that source in lieu of using a surname.

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<b>Title: CONFIDENTIAL SOURCES</b>	<b>Date: 12-1-00</b>	

- C. Confidential sources who agree to work with deputies shall be informed of and determined to have understood the following directives at the initial interview.
  - 1. They will not violate any criminal law in the furtherance of gathering information or providing services to the Sheriff's Office and shall be advised that any violation will be prosecuted.
  - 2. They have no official status as an agent or employee of the Sheriff's Office.
  - 3. The information they provide may be used in criminal and/or civil proceedings. The Sheriff's Office will use all lawful means to protect their identity, however, this cannot be guaranteed.
  
- D. Confidential sources shall be thoroughly debriefed concerning their background and knowledge of criminal activity.
  - 1. This debriefing shall include all appropriate checks through LEIN, NCIC, CCH, and a name check through the Sheriff's Office, QED Master Names Index System.
  - 2. Active informants shall continue to have these checks made every 12 months with the results logged on the Confidential Source Card (Attachment A).

#### **IV UTILIZATION OF CONFIDENTIAL SOURCES:**


- A. Confidential sources can be a tremendous benefit during criminal investigations and deputies are encouraged to develop and utilize this resource. The following procedures shall be strictly adhered to when dealing with confidential sources.
  - 1. A minimum of two (2) officers should be contacting and/or working with the confidential source.

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<p><b>Title: CONFIDENTIAL SOURCES</b></p>	<p><b>Date: 12-1-00</b></p>	

2. Officer/Source contacts shall be of a professional nature only. Outside social and/or business contacts are expressly prohibited.
3. All contacts with a confidential source shall be recorded on the officers daily by "Source Number", not by name.
4. Contacts with confidential sources will be such that their knowledge of Sheriff's Department facilities, operations, activities, and personnel are kept to the minimum amount necessary for successful utilization of the source.

**V. CASH PAYMENTS TO A CONFIDENTIAL SOURCE:**


- A. The amount of payment must be commensurate with the value of the service(s) and/or information provided, and is subject to pre-approval by the Captain of Law Enforcement.
- B. Cash payments may be paid to a confidential source for the following reasons:
  1. Services performed while acting at the direction of the Sheriff's Office.
  2. Purchases of evidence.
  3. Expenses incurred by the confidential source while acting at the direction of a member of the Sheriff's Office.
- C. A payment receipt (Attachment C) shall be prepared in duplicate on the pre-numbered receipt whenever, a cash payment is made. The receipt shall be made out in its entirety prior to being signed by the confidential source. Allowing a confidential source to sign a blank receipt is strictly prohibited. No payment to a source will be authorized when the signature of the source does not appear on the payment receipt and confidential source card.
  1. Two (2) officers shall be present whenever payment is made to a confidential source, except in exigent circumstance or with prior approval from the Captain of Law Enforcement. The officer(s) present at the time for the payment shall sign the payment receipt. Initials are not acceptable.

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<b>Title: CONFIDENTIAL SOURCES</b>	<b>Date: 12-1-00</b>	

2. The Undersheriff shall sign the payment receipt indicating knowledge and approval of payment. In the absence of the Undersheriff the Captain of the Paramedic Division will do this.
3. Upon receipt of the initial payment receipt, the Captain of Law Enforcement shall ensure that the transaction is recorded on the informant payment record. (Attachment D). Subsequent payments to a source shall be entered on the same ledger sheet. Entries shall be made in ink and kept as a permanent record.
4. Payment to sources shall not be recorded on "Record of Reliability Cards" (Attachment B).
5. All confidential source records shall be maintained in such a manner as to ensure confidentiality. Information concerning confidential sources shall not be released without the expressed approval of the Captain of Law Enforcement or the Undersheriff.

**VI. DEACTIVATION OF A CONFIDENTIAL SOURCE:**

- A. A confidential source should be deactivated whenever any of the following conditions occur:
  1. They no longer have the potential to furnish information or services.
  2. They no longer are willing to cooperate.
  3. Their cooperation has been determined to be unsatisfactory.
- B. When it is determined that a person is to be deactivated as a confidential source, the reason for such an action will be logged on the Record of Reliability Card (Attachment B) with the appropriate confidential source card. The payment ledger shall also be placed in a deactivated file. The Captain of Law Enforcement will maintain these records in an inactive file indefinitely.


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<p><b>Title: CONFIDENTIAL SOURCES</b></p>	<p><b>Date: 12-1-00</b></p>	

**VII. REACTIVATION OF A CONFIDENTIAL SOURCE:**

- A. A confidential source may be reactivated if and when the conditions warrant:
  - 1. A thorough debriefing of the source must be conducted at the time of reactivation and noted on the Record of Reliability Card (Attachment B)
  - 2. Return the record of reliability card to the “active” file.
  - 3. Sources deactivated for unsatisfactory cooperation may be reactivated only with the approval of the Captain of Law Enforcement or the Undersheriff.

**VIII. MANAGEMENT OF CONFIDENTIAL SOURCES:**

- A. The Captain of Law Enforcement shall consider the following factors in the management of confidential sources.
  - 1. Any person whose cooperation meets the criteria for establishing themselves as a confidential source is, in fact, a confidential source.
  - 2. That each source is utilized in a manner that makes the best use of their abilities.
  - 3. Monies being paid to a source are properly documented and not excessive for the information or service provided.
  - 4. Sources warranting deactivation are deactivated.
  - 5. Ensure that documentation of a confidential source is used and is submitted in a timely manner and the required reports and “Record of Reliability” log entries are properly maintained.

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- B. In those cases where a confidential source has received compensation with only one officer present at the time of payment, the Captain of Law Enforcement or his designee shall make contact with the source within ninety (90) days of the payment. This will be done to ensure that the source is being managed in accordance with the provisions of this policy. These follow up contacts shall be noted on the source's "Record of Reliability".

**IX. INSPECTION:**

- A. The policies and procedures governing the use of confidential sources will be subject to inspection by the Undersheriff.

## CONFIDENTIAL SOURCE

					Confidential Source Code Number	
					Previous Number (if any)	
Name (Last, First, Middle)					Active Date	Inactive Date
DOB	Sex	Race	Height	Weight	Eyes	Hair
Nicknames/Aliases					Social Security Number	
Address(es)					Date of First Contact	
County	City	Twp.	Telephone Number(s) (include area code)			
Person to Notify in Case of Emergency						
Hangouts				Gang Affiliation(s)		
Criminal Specialties				Associates		
Business/Occupation				Areas Source Can Work		
Control Officers					Worksite	

GC 3120

Operators License No.			
Vehicles (include reg. Numbers)			
Probation/Parole Officer-Name, Address, Telephone			
Criminal Record <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Describe			
SID	FBI	DPD	Other
Record & Date Checked	LEIN Every 6 months		Criminal Intelligence Section Every 6 months
Remarks:			

PHOTO  
REQUIRED

The following information must be discussed and agreed upon:

You \_\_\_\_\_ shall not violate any criminal law while gathering information or providing services to the Sheriff's Department, and you are advised that any violation will be prosecuted. You are not an agent or employee of the Genesee County Sheriff Department. The information you provide may be used in criminal or civil proceedings. The Genesee County Sheriff Department will use all reasonable means to protect your identity; however, this cannot be guaranteed.

Signature of Confidential Source	Officer's Signature	Date
----------------------------------	---------------------	------

Genesee County  
Sheriff Department

Identification No. \_\_\_\_\_

DATE & OFFICER

RECORD OF RELIABILITY

C.I.D. CASH RECEIPT

AUTHORITY: 1935 PA 59  
COMPLIANCE: Voluntary (but required before  
payment is made.)

01

Source No. \_\_\_\_\_ Incident No. \_\_\_\_\_ Date \_\_\_\_\_

ids Received From \_\_\_\_\_

The sum of \_\_\_\_\_ dollars \$ \_\_\_\_\_

Itemization: Services \$ \_\_\_\_\_  
Purchases \$ \_\_\_\_\_  
Expenses \$ \_\_\_\_\_

*I understand that I am not an employee of the Genesee County  
Sheriff Department nor the County of Genesee and that any  
compensation received is for services rendered, purchases  
made or expenses incurred.*

\_\_\_\_\_  
Signature of Disbursing Officer

\_\_\_\_\_  
Signature of Recipient

\_\_\_\_\_  
Witness or Authorizing Officer

\_\_\_\_\_  
Signature of Approving Officer

Identification No. \_\_\_\_\_

[illegible]

	<p style="text-align: center;"><b>Office of the Sheriff Genesee County</b></p> <p style="text-align: center;"><b>Policies and Procedures</b></p>	<p style="text-align: center;"><b>General Order</b></p> <p style="text-align: center;"><b>14</b></p> <p style="text-align: center;"><b>Page 1 of 8</b></p>
<b>Title: FACILITATED DELIVERIES, CONTROLLED SUBSTANCE</b>	<b>Date: 12-1-00</b>	

**I. PURPOSE:**

The purpose of this policy is to regulate and provide guidance to investigators who are contemplating the use of a police facilitated delivery to further a criminal investigation. The policy establishes:

1. Procedures for obtaining authorization to initiate a police facilitated delivery.
2. Guidelines for operational conduct.
3. Procedures for using reverse buy notification
4. A system for creating and maintaining a drug inventory.

**II. DEFINITION:**

A “police facilitated delivery” is defined as the offering for sale or the delivery with or without remuneration of a controlled substance by an officer/agent in the performance of his/her duties or by an agent acting under the direction of the police for the purpose of furthering a criminal investigation.

**III. OBJECTIVES:**

Police facilitated deliveries are used as a means to enhance law enforcement efforts to arrest drug traffickers for criminal violations of State and Federal Law and to seize financial assets, which are connected to illegal drug trafficking. Police facilitated deliveries provide an effective investigative method for pursuing drug traffickers by:

- A. Increasing accessibility to drug financiers and traffickers who are normally insulated from criminal prosecution through the use of other investigative techniques.
- B. Increasing the ability to infiltrate the drug traffickers’ distribution network.
- C. Providing a means to apprehend drug traffickers who distribute drugs through the use of common carriers.
- D. Reducing the profitability of drug trafficking by seizing the assets.

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<b>Title: FACILITATED DELIVERIES, CONTROLLED SUBSTANCE</b>	<b>Date: 12-1-00</b>	

#### **IV LEGAL ASPECTS – CONTROLLED SUBSTANCES:**

- A. While the legality of police facilitated deliveries in Michigan has not been completely resolved, there is a great deal of supportive legal precedent under Federal Statute, 21 U.S.C. 885 (d) provides:  
“..., no civil or criminal liability shall be imposed by virtue of this subchapter, or upon duly authorized officer of any state, territory, political subdivision thereof, the District of Columbia, or any possession of the United States who shall be lawfully engaged in the enforcement of any law or municipal ordinance relating to controlled substances.”
  
- B. Under both state and federal law, it has long been held that violations of controlled substances statutes require criminal intent. Since a police officer lawfully performing his/her duty would not have formed any criminal intent with respect to an undercover drug delivery to a suspect, no crime has been committed.
  
- C. Michigan Court of Appeals Cases “People vs. Roy, 80 Mich. App 714 (1978), and “People vs. Duke”, 87 Michigan App 618 (1978), affirmed convictions based upon drug sales by undercover police officers to defendants.  
  
More recently, the Michigan Supreme Court issued opinions in “People vs. Juliet and “People vs. Brown”, 439 Mich 34 (1991) which appeared to modify the objective test for entrapment. These cases may be used by prosecutors when dealing with any legal challenge which, based on an entrapment theory, seeks to suppress the evidence obtained from a police facilitated delivery.
  
- D. The only other legal policy aspect to be considered is the maintenance of a drug inventory. Section 333.7304 (1) (e) of the Michigan Public Health Code states:  
  
“...that the requirements of licensure are waived for the following persons in the circumstances described in this section: an officer or employee of this state or political subdivision or agency of this state who is engaged in the enforcement of a State or Local Law relating to controlled substances and who is authorized to possess controlled substances in the course of that persons official duties.”

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**V. AUTHORIZATION – CONTROLLED SUBSTANCES:**


- A. A facilitated delivery of controlled substances will generally fall into one of the following situations:
  1. Commercial carrier package delivery.
  2. Reverse Delivery
  3. Assistance to other departments.
  
- B. The Captain of Law Enforcement is responsible for the initial assessment of a proposed police facilitated delivery and must ensure that the following conditions have been met:
  1. All reasonable efforts have been made to establish the identity of the intended receiver.
  2. Except in instances of commercial package delivery, a thorough check with other area law enforcement agencies has been conducted to ensure that the receiver is not acting as an agent of the police.
  3. The predisposition and/or financial ability of the intended receiver can be articulated by the investigator. The inability to articulate the suspect's predisposition does not in and of itself preclude officers from facilitating the delivery of drugs that have been shipped to a previously unidentified suspect through the use of a common carrier.
  4. The minimum value of controlled substances offered for delivery should generally exceed \$1,000.00. Exceptions might include the delivery of smaller quantities of controlled substance that were intercepted by police before being delivered by mail or commercial carrier.
  5. No transaction should be considered in which the exclusive purpose of the investigation is to seize financial assets.
  6. The Captain of Law Enforcement shall ensure the investigation is presented for approval to the prosecuting attorney having jurisdiction in the case.

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- C. Except in instances of commercial package delivery, once the Caption of Law Enforcement is satisfied that the proposed delivery meets these criteria all aspects of the case must be reviewed with the Undersheriff.
- D. The Undersheriff shall have the final responsibility for authorizing a police facilitated delivery, including commercial package deliveries over 650 grams, and may require any additional information or documentation that he deems appropriate. This paragraph (D) shall not apply to a police facilitated deliver of marijuana.
- E. In those rare situations where the required contact with the Undersheriff is not practical, the Captain of Law Enforcement may either approve a police facilitated delivery or seek approval from the Sheriff. If the Captain of Law Enforcement approves the use of a police facilitated delivery, the Sheriff or Undersheriff will be contacted as soon as possible regarding the investigation and will assess the appropriateness of the Captain of Law Enforcement's decision in light of this policy and the circumstances surrounding the delivery.

#### **VI. OPERATIONAL CONDUCT – CONTROLLED SUBSTANCES:**

- A. The Captain of Law Enforcement shall be present at all times during the police facilitated delivery and shall be responsible for the following:
  - 1. Only experienced officers from the department who are familiar with this policy shall be assigned as the provider of drugs in a police facilitated delivery. Every effort should be made to eliminate an informant's direct involvement in the actual drug transaction. Confidential informants or cooperating witnesses (e.g., U.P.S. drivers) may be utilized as the provider of controlled substances with the approval of the Undersheriff.
  - 2. Every attempt should be made for preliminary negotiations between the undercover officer (And/or confidential source) and the suspect(s) to be legally recorded through the use of audio and/or videotapes. Such evidence can be valuable in determining the extent of the suspect's prior dealing and help in identifying associates and hidden financial assets. In addition, such evidence can be critical in establishing the suspect's predisposition and criminal intent, thereby, reducing the likelihood of a successful entrapment defense.

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3. Under no circumstances shall samples of controlled substances be given to the suspect(s) during the transaction without the prior approval of the prosecuting attorney or his representative. When a test sample of the drug is provided to a suspect, the circumstances are to be fully documented in the incident report.
  4. Ordinarily, drugs presented for delivery shall not leave the immediate scene of the delivery. Reasonable controls shall be in place to ensure the recovery of the drugs and the arrest of the suspect(s). However, if it is deemed essential to the furtherance of the investigation that the drugs presented for delivery should leave the immediate scene of the delivery, extraordinary controls shall be in place to ensure the recovery of the drugs and the arrest of the suspect(s). Extraordinary controls may include the use of marked patrol vehicles, air support, electronic monitoring devices, such as package transmitters and/or locators and additional surveillance and arrest teams.
  5. Whenever possible, "look alike" substances should be used in a police facilitated delivery. Safety concerns for officers and informants tactical considerations, and the limitations placed on prosecutors to charge the suspects with specific violations of the public health code are factors which may preclude the use of substitutes in any given situation. The use of substitutes should be discussed with the prosecutor prior to the delivery.
  6. If, at any time during the course of the police facilitated delivery, the Captain of Law Enforcement or the undercover officers feels the level of risk to the officer, the informant, or the public or the risk of losing the drugs has escalated beyond planned expectations, the transaction shall be terminated immediately.
- B. This policy does not preclude drug team members from participating in police facilitated deliveries with other law enforcement agencies. In such cases, the following shall be applied:
1. Agreements made with other agencies to deviate from this policy shall be approved in advance by the Undersheriff.

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## **VII REVERSE BUY NOTIFICATION:**

- A. Whenever a reverse buy is imminent, the team leader shall ensure that appropriate law enforcement narcotic units are contacted to determine if they are involved, as in Section V B.2.

## **VIII DRUG INVENTORY:**

- A. The Team Commander shall establish and maintain a drug inventory and create A “Drug Inventory Incident Report” and a “Drug Inventory Ledger” to document the movement of those inventory drugs.
  1. Drug Inventory Incident Report:
    - a. The report shall contain information on all drugs entering or leaving the inventory, the reason for such movement, and the source or destination of the drugs.
    - b. All drugs while maintained in the inventory shall appear on property receipts.
  2. Drug Inventory Ledger:
    - a. The ledger shall contain chronological entries showing the movement and present status of all inventory drugs.
- B. Creating a “Police Facilitated Delivery” Inventory
  1. Controlled substances seized by departmental units, which are no longer needed for the original investigation, may be converted to the inventory in lieu of destruction.
    - a. Items to be transferred to the drug inventory shall be submitted to the forensic laboratory for examination prior to placement in the inventory. Large quantities of marijuana being transferred in the drug inventory may be tested with a Field Test Kit and weighed in lieu of a laboratory analysis.

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- b. The forensic laboratory will be asked to qualitatively analyze the drugs and seal them in tamper-proof containers after examination.
  - c. Pharmaceuticals which are sealed by the manufacturer need not be submitted to the forensic laboratory.
2. The original report and property receipts shall clearly state that the property has been converted to the inventory and shall include the "Drug Inventory Incident Report" item number.
  3. The Team Commander shall sign off on the property receipts as Receiving Officer.
  4. A supplement to the "Drug Inventory Incident Report" describing the transfer and property receipts for the items shall be generated.
  5. An appropriate entry shall be made in the "Drug Inventory Ledger".
- C. Controlled substances may also enter the drug inventory through transfer from other Law Enforcement Agencies or legitimate manufacturing sources. During such occurrences, the above procedures are to be followed.

## **IX MOVEMENT OF DRUG INVENTORY ITEMS:**

### **A. Removing Drugs:**

1. Approval must be obtained from the Undersheriff.
2. The removal shall be documented in the "Drug Inventory Incident Report" and incident report of the receiving unit.
3. The removal shall be documented in the "Drug Inventory Ledger".
4. The chain of custody portion of the "Drug Inventory Incident Report" property receipt for the item(s) shall be signed by the officer receiving the drugs.

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**B.     Transfer of Inventory Drugs:**


1.     Inventory drugs successfully presented to a defendant(s) in a police facilitated delivery shall be transferred from the “Drug Inventory Incident Report” to the investigative units incident report, and appropriate property receipts shall be submitted.

**C.     Disposition of Inventory Drugs:**

1.     Inventory drugs transferred to an Investigative Unit Incident Report shall be carried on that report until it is no longer needed as evidence. The drugs can be returned to the drug inventory only after following the previous outlined procedures.
2.     If the police facilitated delivery does not take place and the packaging has not been opened, the drugs may be returned to the drug inventory by making the appropriate entry on the “Drug Inventory Incident Report”, property receipt, submitting a supplemental “Drug Inventory Incident Report”, updating the “Drug Inventory Ledger,” and submitting a supplemental report on the investigative unit’s report.
3.     Drug inventory items being held which are no longer needed can be disposed of in accordance with departmental policy.

**X     INSPECTION AND AUDIT OF THE DRUG INVENTORY:**

- A.     The Undersheriff shall conduct a semiannual inspection of the drug inventory.
- B.     The drug inventory report shall cite semiannual inspections and will annually report all inventory activity.

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<b>Title: PARTICIPANT MONITORING</b>	<b>Date: 12-27-00</b>	

**I. PURPOSE:**


The purpose of this policy is to provide guidance to investigators who engage in monitoring and recording conversations of subjects:

**II. POLICY:**

Investigators are permitted to monitor and record conversations without a search warrant provided they have the consent of one or more of the participants. In order to ensure that our investigators are invoking this authority in a manner that is consistent with the ruling of the Michigan Supreme Court and the Michigan Constitution, these guidelines are being provided for use when monitoring and/or recording conversations without a warrant.

**III. COLLINS DECISION:**


- A. In the case of “People vs. Collins” the Michigan Supreme Court eliminated the requirement that the police obtain a search warrant before monitoring or recording a conversation, provided that consent has been given by one or more of the participants in the conversation.
1. This allows the officer to monitor and produce both audio and video recordings of the consenting participant’s conversation.
  2. The subject participating in the conversation must give prior consent to the police to monitor and/or record the conversation. The investigator may use one or all of the following methods to document the consent of the participant.
    - a. Have the participant acknowledge that the conversation is being recorded at the beginning of the original tape.
    - b. Document the substance of the conversation between the investigator and the participant at the time that the consent was given in the narrative section of the incident report.
    - c. Use a consent form signed by the participant if required by the Prosecutor.

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- B. An investigator participating in a conversation with a witness or suspect may record his/her own conversation without the knowledge of the other participant(s) and use those recordings as evidence in a criminal prosecution.
- C. The rights established in the Collins decision extend only to those conversations, which involve the consenting participant.
  - 1. The right to monitor and/or record a conversation accompanies the consenting participant as he/she engages in or disengages from a conversation.
  - 2. Monitoring a conversation prior to the arrival or after the departure of the consenting participant without a warrant could constitute eavesdropping and could subject the investigator to both criminal and civil penalties.

#### **IV RECORDINGS HELD AS EVIDENCE:**

- A. Original recordings made by investigators or consenting participants of conversations with suspects in a criminal investigation may be placed in the property room and reported on a property report form.
  - 1. As with any other type of physical evidence, the chain of custody should be minimized and clearly documented.
  - 2. Challenges to the authenticity of a recording may require an analysis of the original tape. For this reason, investigators should consider preserving original recordings in the property room.
    - a. Copies of the recording or transcripts of the conversation should be used by officers in lieu of the original for investigative follow-up and when pursuing formal prosecution.
    - b. Preparing transcripts of a recorded conversation is costly and should be done only if needed to assist the officer in furthering his/her investigation or as required by the Prosecutor and/or court of jurisdiction.

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- B. Investigators must be ever mindful of their obligation to preserve as evidence all recordings between consenting participants and criminal suspects that have any probative value in the prosecution of a criminal offense.
  1. This includes recorded evidence that tends to prove a suspect's innocence as well as evidence which tends to prove his/her guilt.
  2. Selectively retaining certain tape recordings and destroying others during the course of a long-term investigation could prompt the allegation on the part of a criminal defendant, that tapes of an exculpatory nature, i.e., those tending to prove ones' innocence, were destroyed by the investigator. For this reason, all tape recordings of a suspect's conversation made during an active complaint investigation should be held as evidence pending the outcome of criminal prosecution.
- C. Original tape recordings being held as evidence should be retained until such time as the criminal charges have been adjudicated and applicable appeal periods have been exhausted. The Prosecutor should be consulted prior to the destruction of the evidence.

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<b>Title:</b>	<b>POLICY ON CONDUCTING RAIDS/SEARCH WARRANTS</b>	<b>Date: 12-27-00</b>

**I. PURPOSE:**

To establish guidelines to ensure that warrants are executed in compliance with Statutory Law and in a manner that protects the safety of officers and private citizens.

**II. DEFINITION:**


The General Search Warrant Statute Public Act 189 of 1966 states: an act to provide procedures for making complaints for, obtaining, executing and returning search warrants and to repeal certain acts and parts of acts.

**III. POLICY:**


It is recognized that circumstances unique to a given situation may require some flexibility in the application of this policy. The primary goals of compliance with the law and safety shall not be compromised. Proper implementation of these procedures is the responsibility of the office in charge of the raid.

**IV ACTION PLAN PROCEDURES:**


- A. Location: The Officer in charge must ensure that every reasonable step is made to clearly identify the proper location where the warrant is to be served.
- B. Warrant Service: Alternatives to forced entry shall be considered in each circumstance, with safety being a primary consideration.
- C. Intelligence Checks: A thorough check shall be made of intelligence information and LEIN files for information regarding the raid site and/or suspect(s). Contacts with other agencies and units having jurisdiction in the area may reveal their involvement with the same location or suspect and could prevent an unexpected confrontation at the scene.
- D. Specialized Support Teams: The need for specialized support teams, e.g., Bomb Squad, Containment Team, Canine Unit, etc., shall be considered. Specifically, members shall utilize the Containment Team, when one or more of the following factors are known to exist:

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1. Past contact with suspect(s) or current intelligence indicate a probability of violent resistance to police. (The mere presence of a firearm in a location does not mandate the use of the Containment Team).
  2. The geographic location is such that normal police presence would be insufficient to deal with the execution of the warrant.
  3. The location targeted has been fortified to prevent access by police officers executing the search warrant.
- E. Communication: Adequate communication between members of the raid team is essential. Ensure that on-site communication is available to contact additional support if needed.
- F. Raid Commander/Command Center: If the raid includes several sites and involves a large commitment of personnel, strong consideration should be given to assigning a Raid Commander and establishing a command center to facilitate the overall coordination of the effort.
- G. Chain of Command: Clearly define the Chain of Command and ensure that each member of the raid team knows his or her assignments.
- H. Local Agency Consideration: The officer in charge shall coordinate their activities with Local, State, and Federal Agencies to avoid a possible confrontation at the scene with uniformed patrols.
- I. Surveillance: Some form of surveillance on the proposed target shall be conducted prior to the actual raid. This will provide the raid team with valuable intelligence to be used in planning a safe and successful operation.
- J. Raid Plan/Briefings: The departments "Search Warrant Briefing Report" (Attachment A) shall be completed by the officer in charge who shall also, hold a briefing with all members of the raid team to inform them of their authority and specific responsibilities. The location and route to the nearest trauma center shall be included in the briefing.

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- K. Identification: All officers in the raid team shall wear clothing clearly identifying them as a police officer. Such clothing shall consist of a dark colored jacket, T-shirt, or body armor panel with the word “Sheriff or Police” in white or contrasting letters, front and back.
  
- L. Body Armor: Threat: Level II Body Armor or bullet resistant clothing shall be worn by all members of the raid team entering the building or location being searched.
  
- M. Uniformed Personnel: Every effort shall be made to clearly establish the authority of the raid team through the use of uniformed personnel. This can be accomplished by having a uniformed officer present at the point of entry or a uniformed officer clearly visible on the immediate perimeter of the raid site in a marked patrol vehicle. The utilization of uniformed officers on the Raid Entry Team who are untrained in raid entry is discouraged.
  
- N. Point of Entry: The raid team shall use only one point of entry until the premises are secured from the inside. All other entrances shall be guarded from the outside.
  
- O. Undercover Officers: Undercover Officer shall vacate the premises prior to the raid unless exigent circumstances prevent their departure. Undercover Officers remaining inside the target site shall assume a passive role, unless immediate threat to their safety or the safety of another requires overt action.
  
- P. Safety Considerations: All officers shall carefully consider their own safety, the safety of their fellow officers, and the safety of other persons at the raid site at all times.

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Title: CONTROLLED SUBSTANCE USE, SIMULATION, AND CONTROL		Date: 12-27-00

**I. PURPOSE:**

To provide policy and procedures for officers involved in narcotic investigations on the use, simulation, and control of controlled substance.

**II. SIMULATION:**


- A. Simulation (handling controlled substances in such a way as to cause another to believe he/she observed the officer using a controlled substance) or use of controlled substances is expressly prohibited.
  - 1. Any undercover technique used which is not simulation but could indicate use to a defendant will be reported to the team commander and reported in the complaint report.

**III. FORCED USE OF CONTROLLED SUBSTANCE:**

- A. If an officer is forced to use or deliver controlled substances under threat of death or bodily injury, the following is required:
  - 1. The incident must be reported to the team commander and the Undersheriff immediately after leaving the vicinity of the incident.
  - 2. The incident shall be recorded in the complaint report.


**IV CONTROL OF CONTROLLED SUBSTANCED:**

- A. No officer shall return, dispense, deliver, or in any other way, turn over to defendants or informants any contraband, including controlled substances, once the officer has physical control of that contraband. (This does not preclude police facilitated deliveries conducted in accordance with General Order 14 for those deliveries.)
  - 1. Use of controlled substances by any defendant or informant witnessed by an officer during the course of an undercover transaction shall be reported to the team commander. It shall also be recorded either in the complaint report or on both the Undercover Officer's and Team Commander's daily.

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V **EXCEPTION:**

- A. Any exception to this policy requires the permission of the Undersheriff.

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<b>Title: CURRENCY HANDLING REVISED 5-24-07</b>	<b>Date: 12-1-00</b>	

**I. PURPOSE:**


To provide policy and guidelines for the proper handling of cash seizures.

**II. POLICY:**

- A. When Sheriff Personnel encounter currency during the course of an investigation, two officers, one of which will be a command officer's designee, shall be assigned to the handling, counting, and packaging of the currency in question. At no time, will the currency be left in the sole control of only one officer.
- B. Any cash seizure estimated to be under \$50,000, shall be independently counted by the two assigned officers and verified for accuracy by the account clerk before being sealed and placed in storage. Both officers shall sign the property receipts.
- C. Any cash seizure estimated to be in excess of \$50,000, or that, which appears to be in excess of \$50,000, shall immediately be sealed by the two assigned officers. This seal shall be made in such a manner that the integrity of the seal will withstand any further inquiry.
  1. The sealed currency shall be secured in the property room pursuant to Michigan statute for sixty (60) days. Once the sixty (60) days has elapsed a photocopy of the bills shall be taken and the US currency taken to the Genesee County Treasurer's Office for deposit.
  2. Property receipts will reflect the bank count per denomination of bills. Both officers shall sign the property receipts.

**D. EXCEPTION:**

Any exception to this policy must be authorized by the Undersheriff.

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<b>Title: FREEDOM OF INFORMATION REQUESTS (FOIA)</b>		<b>Date: 12-27-01</b>

**I. PURPOSE:**

The purpose of this General Order is to establish guidelines to ensure that Sheriff Department employees assigned to release departmental records to the public do so in accordance with the Michigan Freedom of Information Act, MCL 15231 et seq. (FOIA).

**II. POLICY:**

It is the policy of the Genesee County Sheriff's Office that only those individuals so authorized by the Sheriff or his designee will process FOIA request of departmental records to the public.

**III. GENERAL INFORMATION**

**A. UTILIZING OF INFORMATION**


1. All reports, records, and documents are the property of the Genesee County Sheriff Office and shall not be released, copied or transferred by any member excepting those whom are authorized by the Sheriff or his designee.

**B. FALSIFYING INFORMATION**

1. Any employees who knowingly falsifies, fails to report, or withholds any information in any report or record of the department or causes any false information to be entered or represented in any report, record or document may be disciplined up to and including discharge.

**C. REMOVAL/ALTERATION OF REPORTS/RECORDS**

1. Any employee engaged in or causing the removal, alteration or destruction of any report or department record except as directed by departmental policy or competent authority when officially required under due process and or court order may be disciplined up to and including discharge. This shall include any official records that have been deemed as destroyed by this agency.

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<b>Title: FREEDOM OF INFORMATION REQUESTS (FOIA)</b>	<b>Date: 12-27-01</b>	

**D. FOIA COORDINATOR**

1. Detective Lieutenant and/or designee is responsible for the review of documents requested prior to release.

**E. INTERNAL INVESTIGATION REQUEST**


1. According to the case law *Kent County Deputies Association vs. Kent County* 238 Mich App 310 (1999) etal; all internal investigation requests are exempt from disclosure.

**F. DISCLOSURE OF PERSONNEL RECORDS OF LAW ENFORCEMENT AGENCIES**


1. The Court of Appeals decision states that internal investigation records of a law enforcement agency can be exempted from disclosure under the statutory language. *Newark Morning Ledger Co. v Saginaw Co Sheriff* 204 Mich App 215, 223; 514 NW2d 213 (1994).
2. Defendant sufficiently established that public interest favored nondisclosure.  
The affidavit of the Undersheriff justified confidentiality on these grounds. (MCL 15.243 (1) (t); MCL 4.1801 (13) (1) (t) *Newark Morning Ledger*, supra, 224) for the follow reasons:
  - a) Internal investigations are inherently difficult because employees are reluctant to give statements about the actions of fellow employees.
  - b) Employee may be reluctant to give statements about the actions of co-workers if it were to be a matter of public record.

**IV. FEE PROCEDURES AND GUIDELINES**

- F. The policy of the Office of the Sheriff, Genesee County regarding FOIA request will enforce the guidelines set forth by the Genesee County FOIA Coordinator, as follows: (See Attachment A)

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- a) No fee will be collected if the time taken to prepare that disclosure needed for the search, examination, review, deletion and separation of exempt from nonexempt information and copying, is one (1) hour or less, unless the disclosure is part of a series.
- b) A fee will be collected if the preparation time takes more than one hour.
- c) The FOIA Coordinator shall identify, to the requesting party, the nature of the costs included in the fees such as mailing costs, labor rates, costs per page, related tapes, pictures, faxes, floppy discs and etc. The FOIA Coordinator and/or designee must also provide an itemized fee calculation to the requester prior to preparing the disclosure.
- d) The lowest hourly wage for an employee capable of retrieving the requested information shall be the labor rate upon which said incremental costs are calculated. The costs per page is four (4) cents.
- e) The FOIA Coordinator shall provide a good faith estimate of costs for any disclosure estimated to cost \$50.00 or more. A deposit of ½ of the estimated cost shall be required before the process of preparing a disclosure is initiated. Upon completion of the preparation of a disclosure, a reconciliation of costs will be made. Any overage paid to the public body shall be returned. If a balance is owed, such balance will be due and payable to the public body, after which payment the disclosure will be made available to the requester.
- f) The procedures and guidelines do not apply to public records or fees covered by MCL 15.234(4).
- g) A waiver of the costs may be granted if the request is judged by the FOIA Coordinator to be primarily of benefit to the general public, and therefore, “in the public interest.”

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- h) Fees associated with providing a disclosure under the Act, up to the first \$20.00 of cost, shall be waived if the person entitled to receive copies of documents under FOIA has documented that he/she is either on public assistance, or can provide facts showing inability to pay the fees because of indigence.

## **Attachment A**

### **Genesee County Freedom of Information Fee Procedures and Guidelines**

1. A fee for preparing a disclosure under the Michigan Freedom of Information Act, MCL 15.231 et seq. (FOIA), shall not be charged if the time taken to prepare that disclosure, that is, the actual incremental time incurred in search, examination, review, deletion, and separation of exempt from nonexempt information and copying, is one (1) hour or less, unless the disclosure is part of a series.
2. Subject to paragraphs 6 and 8 below, a fee shall be charged for such preparation if the preparation time takes more than one (1) hour. The FOIA Coordinator shall identify, to the requesting party, the nature of the costs included in the fee and provide an itemized fee calculation.
3. The lowest hourly wage for an employee capable of retrieving the requested information shall be the labor upon which said incremental costs are calculated. That employee normally would be an employee within the office or department within which the subject records are located. Fees shall also include the rounded actual per page, non-labor cost of copying for each document copied, as calculated by the office of the Genesee County Controller. If a disclosure under FOIA is to be mailed to a requester, the estimated actual cost of mailing the completed disclosure shall also be included in the fee.
4. The FOIA Coordinator shall provide a good faith estimate of costs for any disclosure estimated to cost \$50.00 or more. A deposit of ½ of the estimated cost shall be required before the process of preparing a disclosure is initiated. Upon completion of the preparation of a disclosure, a reconciliation of costs will be made. Any overage paid to the public body shall be returned. If a balance is owed, such balance will be due and payable to the public body, after which payment the disclosure will be made available to the requester.
5. These procedures and guidelines do not apply to public records or fees covered by MCL 15.234(4).
6. A waiver of costs may be granted if the request is judged by the County FOIA Coordinator to be primarily of benefit to the general public, and therefore, “in the public interest.”
7. Subscriptions shall be judged to part of the original request for copies of public records pursuant to FOIA. When providing copies of public records pursuant to a subscription, the same test for determining fees shall exist with the subscription disclosure as with any other FOIA disclosure.

8. Fees associated with providing a disclosure under the Act, up to the first \$20.00 of cost, shall be waived if the person entitled to receive copies of documents under FOIA has documented that he/she is either on public assistance, or can provide facts showing inability to pay the fees because of indigence.
9. All of the above procedures and guidelines are subject to the requirement that, in all events, fees shall be charged only in conformance with FOIA.
10. The County Board of Commissioners Coordinator is the County FOIA Coordinator.

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<b>Title: SOCIAL SECURITY NUMBER PRIVACY POLICY</b>	<b>Date: 12-20-05</b>	

**I. PURPOSE:**

The purpose of this policy is Michigan Act 45 effective March 1, 2005, known as the social security number privacy act, MCL 445.81.

And, by state law and Genesee County Resolution County governmental agencies must adopt a policy in compliance with the act and Genesee County Policy. See attachment one and two of this order for these documents respectively.

**PROHIBITED USE OF SOCIAL SECURITY NUMBERS**

1. Publicly display all or more than 4 sequential digits of the social security number.
2. Use all or more than 4 sequential digits of the social security number as the primary account number for an individual.
3. Visibly print all or more than 4 sequential digits of the social security number on any identification badge or card, membership card, or permit or license.
4. Require an individual to use or transmit all or more than 4 sequential digits of his or her social security number over the internet website or a computer system or network unless the connection is secure or the transmission is encrypted.
5. Require an individual to use or transmit all or more than 4 sequential digits of his or her social security number to gain access to an internet website or a computer system or network unless the connection is secure....
6. Include all or more than 4 sequential digits of the social security number in or on any document or information mailed or otherwise sent to an individual if it is visible on or, without manipulation, from outside of the envelope or packaging.
7. Beginning January 1, 2006 include all or more than 4 sequential digits of the social security number in any document or information mailed to a person, unless any of the following apply:
  - A. State or federal law, rule, regulations or court order or rule authorizes, permits, or requires that a social security number appear in the document.
  - B. The document is sent as part of an application or enrollment process initiated by the individual.

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- C. The document is sent to establish, confirm the status of, service, amend or terminate an account, contracts, policy, or employee or health insurance benefit or to confirm the accuracy of the social security number of an individual who has an account, contract, policy, or employee or health insurance benefit.
- D. The employee or information is mailed by a public body under any of the following circumstances:
  - 1. The document or information is a public record and is mailed in compliance with the freedom of information act.
  - 2. The document or information is a copy of a public record filed or recorded with the county clerk or register of deeds office and is mailed by that office to a person entitled to receive that record.
  - 3. The document or information is a copy of a vital record recorded as provided by law and is mailed to a person entitled to receive that record.
- E. The document or information is mailed by or at the request of an individual whose social security number appears in the document or information or his or her parent or legal guardian.
- F. The document or information is mailed in a manner or for a purpose consistent with the Gramm-Leach-Bliley act 15 USC 6801 to 6809, with the health insurance portability and accountability act of 1996, Public Law 104-191, or with section 537 or 539 of the insurance code of 1956, 1956 PA 218, MCL 500.537 and 500.539 (This is the Federal law that governs disclosures as it relates to financial institutions)

### **EXCEPTIONS**

- A. A use of all or more than 4 sequential digits of a social security number that is authorized or required by state or federal statute, rule, or regulation, by court order or rule, or pursuant to legal discovery or process.
- B. A use of all or more than 4 sequential digits of a social security number by a title IV-D agency, law enforcement agency, court, or prosecutor as part of a criminal investigation or prosecution.

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- C. An administrative use of all or more than 4 sequential digits of the social security number in the ordinary course of business, by a person or a vendor or contractor of a person, to do any of the following:
1. Verify an individuals identity, identify an individual, or do another similar administrative purpose related to an account, transaction, product, service or employment or proposed account, transaction, product, service, or employment.
  2. Investigate an individuals claim, credit, criminal or driving history.
  3. Detect, prevent, or deter identity theft or another crime.
  4. Lawfully pursue or enforce a person's legal rights, including, but not limited to and audit, collection, investigation , or transfer of a tax, employee benefit, debt, claim receivable, or account or an interest in a receivable or account.
  5. Lawfully investigate, collect, or enforce a child or spousal support obligation or tax liability.
  6. Provide or administer employee or health insurance or membership benefits, claims or retirement programs or to administer the ownership of shares of stock or other investments.
- D. A use of all or more than 4 sequential digits of a social security number as a primary account number that meets both of the following:
1. The use began before the effective date of this act. (March 1, 2005)
  2. The use is ongoing, continuous, and in the ordinary course of business. If the use is stopped for any reason, this subdivision no longer applies.

### **FREEDOM OF INFORMATION REQUEST**

As stated in Section 7. D (1) all or more than 4 sequential digits of a social security number contained in a public record are exempt from disclosure under the freedom of information act.

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### **SHERIFF DEPARTMENT OPERATIONS**

The above laws under the Social Security number privacy act do not hinder operations but:

- Ensure to the extent practicable the confidentiality of the security numbers.
- Prohibits unlawful disclosure of the social security numbers
- Limits who has access to information or documents that contain the social security numbers
- Describes how to properly dispose of documents that contain the social security numbers.
- Establishes penalties for violation of the privacy policy (Violation of the prohibited use provisions with knowledge is a 93 day misdemeanor crime and carries with it civil liabilities.)

**This General Order means that all employees must ensure that documents, and computers that contain social security numbers at their work sites are secure when they leave their worksites, and, abide by all of the prohibitions of the act.**

Questions concerning this policy shall be directed to the employees immediate supervisor.